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EXHIBIT H

WILLISTOWN TOWNSHIP  
CURRENTLY EFFECTIVE RATES AND RULES

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**WILLISTOWN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**RESOLUTION 16 OF 2019**

**A RESOLUTION ESTABLISHING SEWER RENTAL FEES  
CHARGED FOR THE CONVEYANCE AND TREATMENT  
OF SEWAGE IN THE TOWNSHIP.**

**BE IT AND IT IS HEREBY RESOLVED**, as follows:

**SECTION I.** The Board of Supervisors does hereby adopt the following sewer rental fees charged to owners and users effective January 1, 2020, whether direct or indirect, of the sewer system within the Township of Willistown, Chester County, PA:

**A. Gravity Sewer Customers, Valley Forge System**

Quarterly Base Rate:	\$124.66
Quarterly Consumption Based on Water Usage:	\$0.00552 per gallon

**B. Low Pressure Sewer Customers, Valley Forge System - Including But Not Limited To The Sugartown Road – School Lane Sewer District, The East Central Sewer District, And The Acres Sewer District**

Quarterly Base Rate:	\$124.66
Quarterly Pump Maintenance Fee:	\$50.00
Quarterly Consumption Based on Water Usage:	\$0.00552 per gallon

**C. Penns Preserve Sewer**

Quarterly Base Rate:	\$187.96
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**D. East Goshen Sewer**

Quarterly Base Rate:	\$153.87
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East Goshen Customers will be billed and responsible for payment of the prorated portion of the quarterly sewer payment due to East Goshen Township and/or East Goshen Municipal Authority.

**SECTION II.** Customers in the Valley Forge System (Section I.A and I.B above) may apply for a credit to be applied to domestic water utilized outside of the property which does not enter the

Township's sanitary sewer systems [irrigation systems, pools and the like]. Customers desiring such a credit shall install or cause to be installed a properly calibrated outside meter upon their premises for purposes of recording the outside water usage. In order to receive a credit, customers shall submit all data required to calculate the credit, as determined and indicated on a form to be provided by the Township, within the time period to be determined and established by the Township.

**SECTION III.** Township employees shall not provide change for payments of sewer use rentals as prescribed in the Willistown Township Code. The amount paid in cash in excess of the current due sewer use rents shall be a credit towards the next sewer rental payment due.

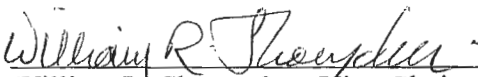
**SECTION IV.** This Resolution shall supersede all resolutions or parts thereof inconsistent herewith.

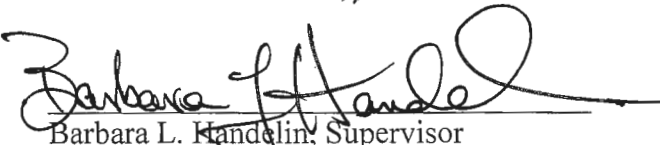
**SECTION V.** This Resolution shall be effective upon adoption.

**ADOPTED** this 16<sup>th</sup> day of December 2019.

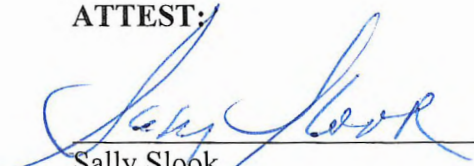
**WILLISTOWN TOWNSHIP  
BOARD OF SUPERVISORS**

  
Robert T. Lange, Chairman

  
William R. Shoemaker, Vice Chairman

  
Barbara L. Handelin, Supervisor

**ATTEST:**

  
Sally Slook  
Township Manager

## **Chapter 105**

### **SEWERS**



ARTICLE I  
**General Provisions**  
**[Adopted 9-3-1975 by Ord. No. 5-1975]**

**§ 105-1. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**AUTHORITY** — Willistown Township Municipal Authority, as originally organized and as presently or hereafter constituted, which has been created by the Board of Township Supervisors of the Township and to which has been referred by the Board of Township Supervisors of the Township the specific project of sewers.

**OCCUPIED BUILDING** — Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within 150 feet from the sewer system and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is, or may be, discharged.

**PERSON** — An individual, firm, company, association, society, corporation or group.

**PROPERTY ACCESSIBLE TO THE SEWER SYSTEM** — Improved property which adjoins, abuts on or is adjacent to the sewer system.

**SANITARY SEWAGE** — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

**SEWER SYSTEM** — Refers to the public sanitary sewer collection system, together with appurtenant facilities about to be acquired and constructed for a portion of the Township and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Township or to any part or parts of any or all thereof.

**TOWNSHIP** — The Township of Willistown, Chester County, Pennsylvania, or the duly constituted and elected municipal officials therefor.

**§ 105-2. Connection to sewer system required.**

- A. All persons owning any occupied building now erected upon property in the Township accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 60 days after written notice to such persons from the Township.
- B. All persons owning any property in the Township accessible to the sewer system upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.

- C. All persons owning any occupied building upon property in the Township which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 60 days after notice to do so from the Township.
- D. Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer system may be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semidetached or row-type house or structure.

### **§ 105-3. Use regulations and limitations.**

It shall be unlawful for any person owning any property in the Township accessible to the sewer system to erect, construct or use or maintain, or cause to be erected, constructed, used or maintained, any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage after the expiration of the particular period specified in § 105-2 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township or upon public or private property or otherwise, except into the sewer system.

### **§ 105-4. Unlawful discharge of sewage declared a nuisance.**

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the sewer system, or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this article, shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law.

### **§ 105-5. Connections to comply with requirements.**

No connection shall be made to the sewer system, except in compliance with the ordinances and resolutions, as well as such rules and regulations as may from time to time be enacted, adopted, approved or promulgated by the Township or the Authority.

### **§ 105-6. Failure to connect.**

After the expiration of the particular periods specified in § 105-2 of this article, if any owner of an occupied building on property in the Township accessible to the sewer system shall have failed to connect such property with the sewer system as required by said § 105-2, the Township shall cause to be served on the owner of such property so failing to connect to said sewer system, and also upon the occupants of the building in question, a copy of this article and a written or printed notice requiring such connection

to be made, and such notice shall further state that its requirements shall be complied with within 30 days from the date thereof.

**§ 105-7. Violations and penalties. [Amended 8-22-1978 by Ord. No. 1-1978; 6-10-1986 by Ord. No. 5-1986]**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions of this article, upon conviction before any District Justice, shall be fined not more than \$300 and costs or, in default of payment thereof, by imprisonment for a term of not more than 30 days, in the discretion of the Justice before whom the conviction is obtained. In cases where the violation is with respect to an occupied building or property accessible to the sewer system, which said property or building is or would be subject to an annual sewer rental or charge of more than one unit as set forth in the Unit Schedule for Sewer Rental set forth in Ordinance No. 6-1975 of Willistown Township,<sup>1</sup> the fine for violation of any provision of this article shall be not more than \$300 for each such unit or fraction thereof and costs or, in default of payment thereof, by imprisonment for a term of not more than 30 days, in the discretion of the Justice before whom the conviction is obtained. Each ninety-day period during which such violation of such provisions shall continue shall be deemed to be a separate offense. Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single common connection to a lateral of the sewer system or shall be required to make separate connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this article, and the persons owning occupied buildings, consisting of multiple units contained in the same structure, who violate any of the provisions of this article shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which are in violation of the provisions of this article.

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1. Editor's Note: See Art. II, Sewer Rents, of this chapter.





ARTICLE II  
**Sewer Rents**  
**[Adopted 9-3-1975 by Ord. No. 6-1975]**

**§ 105-8. Definitions.**

Unless the context specifically indicates otherwise, the meaning of terms used in this article shall be as follows:

**AUTHORITY** — Willistown Township Municipal Authority, as presently or hereafter constituted, which has been created by the Board of Supervisors and to which has been referred by the Board of Supervisors the specific project of sewers.

**BOARD** — The group of elected officials acting as the governing body of the Township.

**COMMERCIAL ESTABLISHMENT** — Any structure intended to be used wholly or in part for the purposes of carrying on a trade, business or profession or for social, amusement, religious, educational, charitable or public use, and which contains plumbing for kitchen, toilet or washing facilities. Hotels, motels, boardinghouses or rooming houses and institutional dormitories shall be included in this definition, but a private dwelling unit shall not be deemed to be a commercial establishment within this definition in whole or in part solely because of the maintenance or carrying on within the private dwelling unit of a home occupation, as the same is defined and permitted by the Willistown Township Zoning Ordinance of 1981, as amended.<sup>2</sup>**[Amended 9-13-1983 by Ord. No. 5-1983]**

**INDUSTRIAL ESTABLISHMENT** — Any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering or assembly of any product, commodity or article.**[Amended 9-13-1983 by Ord. No. 5-1983]**

**INDUSTRIAL WASTE** — Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property served directly or indirectly by the sewer system.

**PERSON** — Any individual, firm, company, association, society, corporation or group.

**PRIVATE DWELLING UNIT** — Any room, group of rooms, house trailer, structure, dwelling or enclosure intended to be occupied as separate living quarters by a family or other group of persons living together or by persons living alone, but excluding institutional dormitories. Each private dwelling unit in a double house, row house or connecting houses in a trailer park or

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**2. Editor's Note: See Ch. 139, Zoning.**

in an apartment or condominium or cooperative development will be billed as a separate entity.

**SANITARY SEWAGE** — The normal water-carried household and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.

**SEWER SYSTEM** — All temporary and permanent facilities at any time, and from time to time, owned by the Authority or leased to and operated by the Township and used or usable for, or in connection with, the collection of wastewaters.

**TOWNSHIP** — The Township of Willistown, Chester County, Pennsylvania.

**§ 105-9. Imposition of charge.<sup>3</sup> [Amended 12-9-2002 by Ord. No. 9-2002; 4-9-2007 by Ord. No. 4-2007; 3-24-2008 by Ord. No. 1-2008; 4-13-2009 by Ord. No. 3-2009]**

There is hereby imposed upon each owner of each property served by the sewer system and having the use thereof a quarterly sewer rent or charge, payable as hereinafter provided, for the use, whether direct or indirect, of the sewer system, based on the schedules of classification and rates or charges hereinafter set forth.

**§ 105-10. Schedule of charges.<sup>4</sup> [Amended 3-11-1980 by Ord. No. 1-1980; 3-24-1981 by Ord. No. 1-1981; 9-13-1983 by Ord. No. 5-1983; 12-23-1991 by Ord. No. 8-1991; 6-26-2000 by Ord. No. 3-2000; 12-9-2002 by Ord. No. 9-2002]**

- A. The sewer rental or charge imposed hereby upon the owner of each property served by the sewer system shall be established per unit by resolution of the Board of Supervisors, according to the following schedule: **[Amended 4-13-2009 by Ord. No. 3-2009]**

**Unit Schedule for Sewer Rental**

<b>Category</b>	<b>Units</b>
Each private dwelling unit	1
Each commercial establishment or industrial establishment shall be assigned a unit or units or portions thereof for the purposes of this article according to water usage according to the following schedule:	
<b>Amount of Water Consumed on a Daily Basis (gallons)</b>	
Less than 390	1 1/2
390 or more but not more than 520	2

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3. Editor's Note: See also Ch. 78, Art. II, Sewer Rental Fees.

4. Editor's Note: See also Ch. 78, Art. II, Sewer Rental Fees.

### Unit Schedule for Sewer Rental

Category	Units
520 or more but not more than 650	2 1/2
650 or more but not more than 780	3
780 or more but not more than 910	3 1/2
For each additional 130 per day or fraction thereof	1/2

- B. If a structure contains one or more private dwelling units, but shall also be within the definition of commercial establishment and/or industrial establishment as set forth in this article, or if a single structure shall be within the definition of commercial establishment and also within the definition of industrial establishment, then, and in such event, each private dwelling unit shall be billed and charged separately, as otherwise provided in this article, and the commercial and/or industrial portions of the structure shall be combined and charged as a single unit on the basis as set forth above for commercial establishments and industrial establishments.
- C. If two or more private dwelling units or commercial or industrial establishments are connected through a single lateral, or if two or more families use separate cooking and/or toilet facilities in a single dwelling, or if two or more types of use are made of the same property, the sewer rent payable under the foregoing schedule shall be computed as though each such unit and establishment and each such family and each such type of use were a separate property or use with a separate connection to the sewer.
- D. In the event that the Township is not provided, upon request, with accurate information, including supporting documentation, to determine the amount of water used or such data as may be necessary to determine a user classification or rate, the Township's estimate or determination thereof shall be conclusive.
- E. The Township reserves the right to change unit values from time to time, to add or delete property classifications and, in cases of dispute, to determine the proper classification of a given property.

### **§ 105-11. Imposition of maintenance charges for low pressure sewer systems. [Added 7-19-2004 by Ord. No. 7-2004<sup>5</sup>]**

- A. There is hereby imposed upon each owner of property served by a low-pressure sewer system, which includes properties within the Acres Sewer District established by Article VI of this chapter, the East Central Sewer District established by Article VIII of this chapter, and any other property subject to Article X of this chapter, and having use thereof, an

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5. Editor's Note: Former § 105-11, Discharge of industrial wastes, was repealed 8-26-2002 by Ord. No. 1-2002. See now Article IV, Wastewater Collection System.

additional quarterly sewer rent or charge, established by resolution of the Board of Supervisors, for the inspection, maintenance, repair and/or replacement of grinder pumps, tanks, individual pressure lines and related appurtenances thereto serving said properties. **[Amended 4-9-2007 by Ord. No. 4-2007; 6-20-2011 by Ord. No. 4-2011]**

- B. The monthly sewer charge imposed hereby upon the owner of each property served by the system shall be incurred upon the provision of maintenance services by the Township's service provider to the property. The charge shall equal the hourly amount for the services to the Township and the cost for parts to the Township.
- C. The sewer maintenance charges imposed shall be billed on a monthly basis following the provision of the services and payable within 30 days following the date of the bill. Any charge imposed may be payable via major credit card or bank debit card that the Township may deem acceptable.
- D. Delinquent sewer maintenance charges shall be subject to the penalties, interest, collection procedures, attorney fees and liens provided in § 105-18 of this article and Chapter 64 of the Code.

#### **§ 105-12. Certain discharges prohibited.**

No person shall discharge into the sewer system any roof water, surface or underground drainage water, stormwater or any exhaust steam or any oils, tar, grease, gas, benzene or other combustible gases or liquids, or any garbage (unless treated in an approved manner), offal, insoluble solids or other dangerous or harmful substances which would adversely affect the functioning of the sewer system or the processes of sewage treatment.

#### **§ 105-13. Installation and maintenance of manholes by industrial establishments.**

When directed by the Township, industrial establishments shall install, pay for and maintain a manhole and other devices as may be approved by the Township to facilitate observation, measurement and sampling of industrial wastes discharged to the sewer system. The Township or its duly authorized representative shall, at all reasonable times, be permitted to enter upon any and all properties for the purpose of inspecting, observing, measuring and sampling industrial wastes discharged to the sewer system. The owner of any industrial establishment that desires to connect to the sewer system or which is connected to the sewer system and plans to change its operations so as to materially alter the characteristics and volumes of industrial wastes discharged thereto shall notify the Township, in writing, at least 10 days before making such connection or changing its operations.

**§ 105-14. Installation of regulating devices for equalizing waste flows.**

The Township reserves the right to require industrial establishments having large variations in rates of discharge of industrial wastes to install suitable regulating devices for equalizing waste flows to the sewer system.

**§ 105-15. Right of access.**

The Township representatives shall have access at all reasonable times to water and any other meters used for establishing or determining water consumption, water excluded from the sewer system and/or wastes discharged into the sewer system.

**§ 105-16. Change in classification of property. [Amended 12-9-2002 by Ord. No. 9-2002]**

If the use or classification of any property should change within any calendar year, the difference in sewer rental, if any, prorated on a monthly basis to the end of the then current biannual billing period, will be charged or credited, as the case may be, on the bill for the succeeding billing period. Additional classifications and additional sewer rentals may be established by the Township from time to time.

**§ 105-17. Payment of charges; initial billing; meter installation. [Amended 9-13-1983 by Ord. No. 5-1983; 8-23-2004 by Ord. No. 8-2004; 4-9-2007 by Ord. No. 4-2007; 5-26-2009 by Ord. No. 4-2009]****A. Private dwelling units.**

- (1) Sewer rents imposed for private dwelling units shall include a base rate and may include a pump maintenance fee and/or consumption charge as established by resolution and shall be payable quarterly. Any sewer rent imposed may be payable via cash, check, major credit card or bank debit card that the Township may deem acceptable or by electronic payment. Rent for any billing period in which a connection is made shall be prorated and shall be billed in conjunction with the next regular billing or by special billing as the officials responsible for billing may elect.
- (2) Consumption charges shall be based upon the quantity of water used as evidenced by quarterly statements provided by the officials responsible for billing water consumption during the immediately preceding quarter. Property owners of private dwelling units not connected to the public water supply system shall install a Township-approved water meter to the private dwelling unit's water supply and allow access to the meter pursuant to § 105-15 of this article for issuance of a quarterly consumption statement. The installation of the water meter shall be inspected by the Township, and the property owners are solely responsible for maintenance, repairs, and replacement of the water meter. The Township may

establish a fee schedule for the installation process of the water meters by resolution. Quarterly statements shall show the water consumption during the immediately preceding billing period or, if such a determination is not available, then upon water consumption for the next preceding period for which such determination is available. The determination may be based upon actual water consumption for less than an entire billing period. In the event of a discrepancy between the amount billed and the actual water consumption, an adjustment shall be made, which adjustment may be billed in conjunction with the next regular billing or by special billing, as the officials responsible for billing may elect.

B. Commercial and industrial establishments.

- (1) Sewer rents imposed for commercial and industrial establishments shall include a base rate and a consumption charge as established by resolution and shall be payable quarterly. Any sewer rent imposed may be payable via cash, check, major credit card or bank debit card that the Township may deem acceptable or by electronic payment. Rent for any billing period in which a connection is made shall be prorated and shall be billed in conjunction with the next regular billing or by special billing as the officials responsible for billing may elect.
- (2) Consumption charges shall be based upon a determination by the officials responsible for billing of water consumption during the immediately preceding billing period or, if such a determination is not available, then upon water consumption for the next preceding period for which such determination is available. The determination may be based upon actual water consumption for less than an entire billing period. In the event of a discrepancy between the amount billed and the actual water consumption, an adjustment shall be made, which adjustment may be billed in conjunction with the next regular billing or by special billing, as the officials responsible for billing may elect.

**§ 105-18. Penalties for delinquent charges.**

- A. The charges for sewer rental and maintenance service shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. If not paid within 120 days after the date of the bill, the Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid. **[Amended 8-22-1978 by Ord. No. 1-1978; 3-23-2009 by Ord. No. 2-2009; 4-13-2009 by Ord. No. 3-2009]**
- B. All persons connected to the sewer system must give the Township their correct address. Failure to receive bills will not be considered an excuse

for nonpayment nor permit an extension of the period during which bills are payable at face.

- C. Payments made, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face, will be deemed to be a payment within such period.
- D. All sewer charges, together with all penalties and fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent charges, together with penalties, fees, and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien. **[Amended 7-26-1994 by Ord. No. 3-1994; 3-23-2009 by Ord. No. 2-2009; 4-13-2009 by Ord. No. 3-2009]**

#### **§ 105-19. Receipts to be segregated from other Township funds.**

The funds received by the Township from the collection of the sewer rentals and charges and all penalties and interest thereon, as herein provided for, shall be segregated and kept separate and apart, except for purposes of investment, from all other funds of the Township and shall be used only for the purpose of defraying the expenses of the Township in the operation, maintenance, repair, alteration, inspection, depreciation or other expenses in relation to such sewer system and for such payments as the Township may be required to make to the Valley Forge Sewer Authority or to the Tredyffrin Township Municipal Authority in connection with transportation and treatment service or under any lease or agreement it may enter into in connection with the financing of the sewer system pursuant to the provisions of the Act of May 2, 1945, P.L. 382, as amended.<sup>6</sup> Such funds, however, may be invested in common with other Township funds pending the use thereof for the purposes above specified, provided that the amounts of such funds and the income therefrom can at all times be traced and determined.

#### **§ 105-20. Adoption of rules and regulations.**

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, and all such rules and regulations shall be and become a part of this article.

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6. Editor's Note: See now 53 Pa. C.S.A. § 5601.



**§ 105-21. When effective.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties as soon as they respectively become connected with and have the right to use the sewer system. The Township reserves the right to make such changes from time to time as in its opinion may be desirable or beneficial and to amend this article or to change the rates or charges in such manner and at such times as, in its opinion, may be advisable.

ARTICLE III  
**Sanitary Building Sewers**  
**[Adopted 6-14-1977 by Ord. No. 2-1977]**

**§ 105-22. Sewer Department established.**

There shall be and hereby is established a department of the Township to be known as the "Sewer Department," which shall be under the general direction and supervision of the Township Manager and which shall be headed by a person appointed by the Board of Supervisors who may, but need not, be the Township Manager or the Plumbing Inspector, who shall be known as the "Sewer Department Manager." The Board of Supervisors may also appoint from time to time such assistant plumbing inspectors as the Board deems appropriate.

**§ 105-23. Construal of provisions.**

Nothing herein contained shall be deemed to require, authorize or prohibit connection to the sanitary sewer system owned and/or operated by the Township of Willistown, except as specifically set forth herein, and this article shall not be deemed to be inconsistent with, repeal or amend any other ordinance or resolution of Willistown Township requiring, authorizing or prohibiting connection to said system, but this article shall set forth the exclusive method and manner for the making of such connections as otherwise authorized or required.

**§ 105-24. Objectives and intent.**

It is the objective and intent of this article to assure that certain minimum requirements for construction of sanitary building sewers are met. The primary objective of these minimum requirements is to assure the safe, efficient and reliable conveyance of building sewage to the Township's sanitary sewage collection system. It is the objective and intent of this article to establish a performance standard in conjunction with the minimum requirements specifically stated so as to allow individual property owners the greatest flexibility possible in achieving a sanitary building sewer installation meeting the objectives stated herein, the Board of Supervisors being aware that the majority of buildings to be connected to the Willistown Township's sanitary sewage system are existing buildings which have been through various stages of construction, expansion, revision and improvement.

**§ 105-25. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**BUILDING SANITARY DRAINAGE SYSTEM** — The system of soil and waste pipes located within a building which receives sewage from within that building with the intention to collect and eventually convey the same to the Township's sanitary sewer system.

CONTRACTOR — Any person, firm, corporation or other entity certified and approved by the Township to carry on or work at the business of plumbing in accordance with applicable ordinances of Willistown Township.

SANITARY BUILDING DRAIN — The lowest part of a building sanitary drainage system.

SANITARY BUILDING FORCE MAIN — That portion of the sanitary drainage system of a residential, commercial or industrial building which cannot drain to the Township sanitary sewer system by gravity, which extends from a pumping unit in or adjacent to the building to a lateral section, which section begins at a point outside of the sewer or street right-of-way and which connects to the Township sanitary sewer system and which flows into the Township sanitary sewer system by gravity.**[Added 10-9-1979 by Ord. No. 4-1979]**

SANITARY BUILDING SEWER — In a system which drains entirely by gravity into the Township sanitary sewer system, that portion of the sanitary drainage system of a building, whether residential, commercial or industrial, which extends from the terminus of the sanitary building drain and conveys sewage to the Township sanitary sewer system. In a system which utilizes a sanitary building force main, the sanitary building sewer shall be that portion of the sanitary drainage system of a building, whether residential, commercial or industrial, which extends from the terminus of the sanitary building force main, being the point from which sewage will flow entirely by gravity into the Township sanitary sewer system, and conveys sewage to the Township sanitary sewer system.**[Amended 10-9-1979 by Ord. No. 4-1979]**

TOWNSHIP PLUMBING CODE — The Building Officials and Code Administrators (BOCA) Basic Plumbing Code, 1970.

TOWNSHIP SANITARY SEWER SYSTEM — The sewage system operated and maintained by Willistown Township for the purpose of collection, conveyance and/or treatment of sanitary sewage.

#### **§ 105-26. Permit required; fees.**

- A. No sanitary building sewer shall be connected to the Township sanitary sewer system unless and until it is constructed in compliance with this article, the regulations promulgated hereunder, the Township Plumbing Code and all other applicable rules and regulations of the Township and of the Willistown Township Municipal Authority.
- B. A permit shall be required for the construction and installation of each sanitary building sewer and each sanitary building force main.**[Amended 10-9-1979 by Ord. No. 4-1979]**
- C. Application for permit shall be made on forms supplied by the Township and shall set forth the name and address of the property owner, type of building (e.g., single-family residence, multiple dwelling, commercial or industrial), estimated rate of flow during daily peak usage periods (in gallons per minute), estimated total daily flow (in gallons), the name

and address of the contractor who is to perform the work and such other information as the Sewer Department shall require.

- D. A drawing shall accompany each permit showing in plan view and otherwise indicating the location and elevation of the invert of the sanitary building drain terminus, the location and elevation of the invert of the Township sanitary sewer lateral or collection line, the size, route and grade of the sewer pipe and the location of all proposed fittings. Invert elevations may be given to any convenient permanent reference, which reference shall be indicated on the drawings.
- E. An application for a permit to construct a sanitary building force main must be signed by a master plumber, registered with the Township in accordance with Willistown Township Ordinance No. 5-1974,<sup>7</sup> and must be accompanied by design calculations and drawings of the force main, which calculations and drawings must bear the seal and signature of an engineer registered in Pennsylvania. **[Amended 10-9-1979 by Ord. No. 4-1979]**
- F. If there are any changes whatsoever made during construction of the sanitary building sewer, the contractor shall, before requesting approval of the sanitary building sewer, submit a revised plan showing changes in configuration or location of the sanitary building sewer and its appurtenances from the configuration and/or location shown on the original plans submitted with the application for permit.
- G. Each application for permit shall be accompanied by the fee required for the type of permit requested, which for a single-family dwelling shall be \$150 and which for a multiple-family dwelling of more than five units shall be \$50 for each apartment or other dwelling unit within the multiple dwelling, and which for any commercial establishment, industrial establishment or for any other installation not otherwise specifically covered shall be \$250. **[Amended 5-13-1980 by Ord. No. 2-1980]**
- H. No connection shall be made to the Township's sanitary sewer system until the sanitary building sewer has been inspected and approved, in writing, by the Plumbing Inspector or an authorized Assistant Plumbing Inspector.

#### **§ 105-27. General provisions.**

- A. Except as otherwise specifically provided in this article or the regulations promulgated hereunder, the terminus of the sanitary building drain shall extend a minimum of five feet beyond the outermost point of the foundation walls of the building.

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7. Editor's Note: See Ch. 72, Construction Standards and Fire Prevention, Art. III, Plumbing.

- B. The owner of any property shall be responsible for maintenance, repair and/or replacement of the sanitary building sewer, sanitary building drain and building sanitary drainage system serving that property.
- C. Except as otherwise specifically provided herein, the Township's responsibility shall end at the terminus of the lateral stub to each property, installed in conjunction with the Township's sanitary sewer system, the location of which lateral stubs are recorded at the Township Building.
- D. Where no lateral stub was installed in conjunction with the Township's sanitary sewer system and a sewage collection line is required to be tapped in order to make a connection, the person, firm, corporation or other entity owning the property will be responsible for maintenance, repair or replacement of the entire sanitary building sewer, including the collection line tap, for a period of one year after the installation has been approved and connected. At the end of that one-year period, the Township will assume responsibility for that portion of the sanitary building sewer extending from the collection line of the Township's sanitary sewer system to the property line, the sewer line easement or the running trap and vent, whichever is the shortest run of pipe.

**§ 105-28. Compliance with regulations required. [Amended 10-9-1979 by Ord. No. 4-1979]**

No sanitary building drain nor sanitary building sewer nor sanitary building force main shall be constructed, nor any connection whatsoever made to the Township's sanitary sewer system, except in accordance with the regulations promulgated hereunder or as hereafter amended, which shall be known as "Sewer Department Regulations." Attached hereto and incorporated herein by reference, as fully as though set forth at length, are the initial regulations which shall be and hereby are adopted as the initial regulations pursuant to this article.<sup>8</sup> The Board of Supervisors may at any time and from time to time hereafter amend or alter such regulations by regular action of the Board.

**§ 105-29. Other permits and regulations.**

- A. It shall be the sole responsibility of the owner and/or the owner's contractor to obtain all necessary permits required for work within rights-of-way of state or Township roads.
- B. It shall be the sole responsibility of the owner and/or the owner's contractor to familiarize himself or herself with and abide by the provisions and regulations of the statutes of the Commonwealth of Pennsylvania which, among other provisions and regulations, requires the notification of owners of all underground plants in an area prior to blasting or excavating with powered equipment in that area.

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**8. Editor's Note: The Willistown Township Sewer Department Regulations are on file in the Township offices.**

- C. It shall be the sole responsibility of the owner and/or the owner's contractor to familiarize himself or herself with and abide by the provisions and regulations set forth under the Williams-Stieger Occupational Safety and Health Act of 1970 during all stages of construction and testing of sanitary building sewers.

**§ 105-30. Violations and penalties. [Amended 6-10-1986 by Ord. No. 5-1986]**

Any violation of any provision of this article or regulation promulgated hereunder shall be punishable as a violation of a Township ordinance and shall be punishable by a fine not to exceed \$300 and costs for each violation or, in default of the payment of the fine and costs imposed, by imprisonment not to exceed 30 days, in the discretion of the Justice before whom the conviction is obtained. For any violation which continues over a period of time, each separate twenty-four-hour period during which such violation continues shall be a separate offense.



ARTICLE IV  
**Wastewater Collection System**  
**[Adopted 11-9-1994 by Ord. No. 6-1994<sup>9</sup> ]**

**§ 105-31. Purpose and policy; word usage and definitions.**

A. Purpose and policy.

- (1) This article sets forth uniform requirements for connected and nonconnected users discharging into the public sanitary sewage system within Willistown Township tributary to the treatment plant of the Valley Forge Sewer Authority and enables Willistown Township and the Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).
- (2) The objectives of this article are to:
  - (a) Prevent the introduction of pollutants into the public sanitary sewage system and treatment plant which will interfere with the operation of the sewer system or contaminate the resulting biosolids or otherwise be incompatible to the sewer system; and
  - (b) Prevent the introduction of pollutants into the treatment plant which will pass through the treatment system, inadequately treated, into receiving waters or the atmosphere; and
  - (c) Improve the opportunity to recycle and reclaim wastes and biosolids from the sewer system; and
  - (d) Provide for equitable distribution of the cost of the treatment plant operation and maintenance.

B. Word usage and definitions. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this article, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. "Shall" is mandatory; "may" is permissive.

AUTHORITY — The Valley Forge Sewer Authority or its authorized representatives.

BASELINE MONITORING REPORT — Refers to the report required in 40 CFR Part 403.12, to be submitted by all industrial users or waste generators subject to national categorical pretreatment standards.

BEST MANAGEMENT PRACTICES (BMPs) — Schedules of activities, prohibitions of practices, maintenance procedures, and other

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9. Editor's Note: This ordinance also repealed former Art. IV, Wastewater Collection System, adopted 8-11-1987 by Ord. No. 3-1987.



management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **[Added 1-25-2010 by Ord. No. 1-2010]**

**BIOSOLIDS** — The primarily solid organic material recovered from a sewage treatment process and recycled especially as a fertilizer.

**BOD (biochemical oxygen demand)** — The quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in waste under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter (mg/L). It shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other methods approved by the Environmental Protection Agency (EPA).

**CATEGORICAL INDUSTRIAL USER** — Any industrial user subject to a national categorical pretreatment standard.

**CATEGORICAL WASTE GENERATOR** — Any waste generator subject to a national categorical pretreatment standard.

**CLEAN WATER ACT (CWA)"** — Refers to Public Law 92-500, October 18, 1972, 33 USC 1251 et seq; as amended by P.L. 95-217, December 28, 1977; P.L. 97-177, December 29, 1981; P.L. 97-440, January 8, 1983, and P.L. 100-04, February 4, 1987, and any subsequent amendments or reauthorizations thereto.

**COLOR OF A WASTE** — The color of the light transmitted by the waste solution after removing the suspended material, including the pseudocolloidal particles.

**COMMERCIAL DISCHARGE PERMIT** — Refers to a permit issued to those industrial users that the Authority does not classify as significant industrial users, but are considered to have an impact, either potential or realized, either singly or in combination with other contributing commercial or industrial establishments, on the public sanitary sewage system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by such facility).

**COMMERCIAL USER OR COMMERCIAL ESTABLISHMENT** — Refers to a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses, or a person discharging waste generated by the trade, business, profession, social, religious, educational, charitable or public use of the property.

**COMPOSITE SAMPLE** — A sample consisting of a combination of individual samples that are either time- or flow-proportioned or both, obtained at regular intervals over a period of time and shall reasonably reflect the actual wastewater or waste discharge conditions for that period of time.

CONNECTED USER — A user located in the Authority service area that discharges into the public sanitary sewage system through a direct connection point that has been approved by the Authority.

COOLING WATER — The water discharged from any system of condensation, including but not limited to air conditioning, cooling or refrigeration.

DAILY COMPOSITE SAMPLE — A sample consisting of a combination of individual samples, regardless of flow, collected at regular intervals over a period of time; the sampling duration shall be not less than 20 hours, but shall not exceed 28 hours, or as specified in an industrial waste discharge permit or commercial discharge permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any Department or agency of the commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

DISSOLVED SOLIDS — That concentration of matter in a waste consisting of colloidal particulate matter, and both organic and inorganic molecules and ions present in solution that pass through a standard filter according to the approved procedures outlined in 40 CFR Part 136 or amendments thereto, or outlined in any other procedure approved by the EPA.

DOMESTIC USER — Any connected user discharging only sanitary sewage. This discharge shall not exceed an average daily total suspended solids concentration of 250 milligrams per liter (mg/l) and an average daily BOD concentration of 250 milligrams per liter (mg/l).

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The Environmental Protection Agency of the United States, or any agency or department of the United States succeeding to the existing jurisdiction or responsibility of the Environmental Protection Agency.

GARBAGE — Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.

GRAB SAMPLE or INSTANTANEOUS GRAB SAMPLE — A sample taken from a wastewater or waste with no regard to flow in the wastewater or waste and collected over a period of time not exceeding 15 minutes but shall reasonably reflect actual discharge conditions for that period.

GROUND GARBAGE — Garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than 1/2 inch in any dimension.

GROUNDWATER — Water which is standing in or passing through the ground.

HOLDING TANK — A watertight receptacle designed to receive and retain wastes and is constructed to facilitate the ultimate disposal of the wastes at another site.

HOLDING TANK WASTE — The wastes originating from normal household activities containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes. The waste must be certified by a waste hauler licensed by the Authority as sanitary sewage, and must be stored in such a way as not to concentrate said waste to a level of total suspended solids exceeding 1,000 milligrams per liter (mg/l).

HOUSEHOLD WASTE — The water-carried waste originating from normal household functions such as waste from kitchens, toilets, lavatories and laundries, or such waste from industrial or commercial establishments, but excluding industrial waste.

INDIRECT DISCHARGE or DISCHARGE — The introduction of pollutants into the Authority's public sanitary sewage system from any nondomestic source regulated under Section 307(b), (c) or (d) of the Clean Water Act. **[Added 1-25-2010 by Ord. No. 1-2010]**

INDUSTRIAL USER — Any connected user which is not a domestic user.

INDUSTRIAL WASTE — Any liquid, solid or gaseous substance, whether or not solids are contained therein, discharged from any user during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery or processing of natural resources, or any wastes having any of the characteristics described under § 105-32A of this article (General discharge prohibitions), as distinct from sanitary sewage.

INDUSTRIAL WASTE DISCHARGE PERMIT — A permit issued to a significant industrial user in accordance with § 105-34 of this article.

INFILTRATION — The groundwater unintentionally entering the public sanitary sewage system, including building foundation drains and sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connection or manhole walls. Infiltration does not include, and is distinguishable from, inflow.

INFILTRATION/INFLOW — The total quantity of water from both infiltration and inflow without distinguishing the source.

INFLOW — The water discharged into a public sanitary sewage system, including building drains and sewers, from such sources as, but not limited to roof leaders, cellar, yard and area drains; foundation drains; unpolluted cooling water discharges; drains from springs and swampy areas; manhole covers; cross connection from storm sewer and/or combined sewers; catch basins; stormwater; surface runoff; street wash water; or drainage. Inflow does not include, and is distinguishable from, infiltration.

INTERCEPTOR — A device designed and installed so as to separate and retain for removal by automatic or manual means, deleterious,

hazardous or objectionable waste, including but not limited to grease, oil or sand, while permitting sanitary sewage or industrial waste to discharge by gravity into a public sanitary sewage or on-site drainage system.

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations and results in a violation of any requirement of the treatment plant's NPDES permit or prevents biosolids use or disposal in compliance with applicable federal or state statutes or regulations. The term includes those discharges that cause a prevention of biosolids use or disposal by the treatment plant in accordance with 405 of the Act (33 USC 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, 40 CFR Part 503, or more stringent state criteria, including those contained in any state biosolids management plan prepared pursuant to Title IV of SWDA or any more stringent DEP criteria, guidelines or regulations pursuant to the Solid Waste Management Act (SWMA),<sup>10</sup> the Clean Streams Law (CSL),<sup>11</sup> or the Air Pollution Control Act (APCA)<sup>12</sup> applicable to the method of disposal or use employed by the treatment plant, and those discharges that cause a pass through or disrupt operations at the treatment plant or in the public sanitary sewage system.

**MANHOLE** — A shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.

**Mg/L or mg/L** — Milligrams per liter.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 40 CFR Chapter I, Subchapter N, Parts 405-471 and Section 307 (b) and (c) of the Act (33 USC 1317) which applies to a specific category of industrial user or waste generator.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES permit)** — A permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge of wastewater to the navigable waters of the United States pursuant to Section 402 of the Clean Water Act, as amended.

**NEW SOURCE** — Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that the building, structure,

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**10. Editor's Note: See 35 P.S. § 6018.101 et seq.**

**11. Editor's Note: See 35 P.S. § 691.1 et seq.**

**12. Editor's Note: See 35 P.S. § 4001 et seq.**

facility or installation is constructed at a site at which no other source is located; or the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or the production or wastewater generating processes of the building structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. Determination of new source status shall be consistent with the provisions of 40 CFR Part 403.3(k)(1), (2) and (3).

**NONCONNECTED USER** — Any user who contributes waste (including trucked industrial waste, domestic holding tank waste or septage) to the treatment plant by transporting or allowing the transport of such waste by vehicle and allows or causes the discharge of said trucked waste into the treatment plant at such a discharge point and under such conditions as may be approved by the Authority.

**NORMAL DOMESTIC STRENGTH SEWAGE** — Wastewater or sewage having an average daily total suspended solids concentration of not more than 250 milligrams per liter (mg/l) and an average daily BOD of not more than 250 milligrams per liter (mg/l) and excluding toxic and/or flammable wastes.

**OBJECTIONABLE WASTE** — Any wastes that can, in the Authority's judgment: harm either the sewer system or treatment plant process or equipment; have an adverse effect on the receiving stream; endanger life, health or property; or which constitutes a public nuisance.

**OWNER** — Any person vested with ownership, legal or equitable, sole or partial, of any property, or his authorized representative.

**PASS THROUGH** — A discharge which exits the treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a cause of a violation of the treatment plant's NPDES permit or of any applicable local, state or federal water quality criteria (including an increase in the magnitude or duration of a violation).

**PERSON** — An individual, a partnership, an association, a corporation, a joint stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipality authority or any other group or legally recognized entity. The masculine gender shall include the feminine, and singular shall include the plural where indicated by the context.

**pH** — The logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution indicating the degree of acidity or alkalinity of a substance. pH shall be determined by one of the accepted methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

**POLLUTANTS** — Any material that, when added to water, shall render that water (either because of the nature or quantity of the material) unacceptable for its original intended use, including, but not limited to, dredged spoil; solid waste; incinerator residue; sewage; garbage; biosolids; chemical wastes; biological materials; radioactive materials; heat; sand; cellar dirt; and/or industrial, municipal, and agricultural wastes.

**POLLUTION** — The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

**PRETREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in a waste to a less harmful state prior to or in lieu of discharging (either by a connected user or nonconnected user through a licensed waste hauler) or otherwise introducing such pollutants into the public sanitary sewage system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by process changes by other means.

**PRETREATMENT REQUIREMENT** — Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user or waste generator.

**PRETREATMENT STANDARD** — Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1317), which applies to industrial users and including prohibitive discharge limits established pursuant to 40 CFR 403.5.

**PROCESS STREAM OF THE TREATMENT PLANT** — The forward flow of waste through various treatment units of the treatment plant, including primary clarifiers, aeration tanks, secondary (final) clarifiers and chlorine contact tanks, and including holding tank waste or trucked industrial waste discharged directly into one of those treatment units.

**PROCESS WASTE** — Any water which, during manufacturing or processing, comes into direct contact with, or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product, excluding noncontact cooling water and boiler blowdown.

**PUBLIC SANITARY SEWAGE SYSTEM** (sometimes called the sewer system) — All sanitary sewers, all pumping stations, all force mains, and all other sewage facilities owned or leased and operated by Willistown Township tributary to the treatment plant for the collection, transportation and treatment of sanitary sewage and industrial wastes and septage, together with their appurtenances, and any additions, extensions or improvements thereto. It shall also include sewers within the Willistown Township's service area which serve one or more persons and discharge into the public sanitary sewage system even though those sewers may not have been constructed by Willistown Township and are not owned or maintained by Willistown Township. It

does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying stormwater or surface runoff, the discharge from which is not and does not become tributary to the treatment plant.

REPORT ON COMPLIANCE WITH NATIONAL CATEGORICAL PRETREATMENT STANDARDS OR NINETY DAY COMPLIANCE REPORT — Refer to the report required by 40 CFR Part 403.12 (d), to be submitted by all industrial users or waste generators subject to national categorical pretreatment standards.

RESPONSIBLE INDIVIDUALS —

- (1) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or
- (2) The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (3) A general partner or proprietor if the industrial user submitting the reports required by paragraphs (b), (d) and (e) of 40 CFR Part 403.12 is a partnership or sole proprietorship respectively.
- (4) A duly authorized representative of the individual designated in Subsection (1) or (2) if:
  - (a) The authorization is made in writing by the individual described in Subsection (1) or (2);
  - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - (c) The written authorization is submitted to the control authority.
- (5) If an authorization under Subsection (3) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of Subsection (3) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

**SANITARY SEWAGE** — Wastes originating from domestic users containing human and customary household wastes, or such wastes from commercial or industrial establishments, but excluding industrial wastes.

**SANITARY SEWER** — Any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries wastewater and to which stormwater, surface and groundwater are not admitted and which discharges to the treatment plant owned by the Valley Forge Sewer Authority.

**SEPTAGE** — Refer to household waste from normal household functions, or such waste from commercial or industrial establishments, concentrated or treated in such a manner so as to concentrate the total suspended solids in such waste to a level at which it is treatable through the septage discharge station at the treatment plant.

**SEPTAGE DISCHARGE STATION** — One of the locations at the Treatment Plant designated by the Authority to receive septage, holding tank waste or trucked industrial waste which is not discharged directly into the process stream of the treatment plant.

**SEWAGE** (also referred to as wastewater) — Any sanitary sewage or industrial waste, carried either separately or in combination, that is discharged into the public sanitary sewage system by a connected user, or any trucked industrial waste or holding tank waste generated by a waste generator and transported to the treatment plant by a licensed waste hauler and discharged into the process stream of the treatment plant as a Tier I waste.

**SIGNIFICANT INDUSTRIAL USER** — Except as provided in Subsection (3) of this definition shall mean:

- (1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and
- (2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process waste to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, in accordance with 40 CFR 403.8 (f)(6).
- (3) Upon a finding that an industrial user meeting the criteria in Subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR



403.8(f)(6), determine that such industrial user is not a significant industrial user.

**SIGNIFICANT NONCOMPLIANCE (SNC) — A violation by an industrial user meeting one or more of the following criteria [40 CFR 403.8(f)(2)vii]:****[Amended 1-25-2010 by Ord. No. 1-2010]**

- (1) Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed, by any magnitude, the daily maximum, average or instantaneous limit for the same pollutant parameter.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum, average or instantaneous limit multiplied by the applicable TRC [TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants, except pH].
- (3) Any other violation of a pretreatment effluent limit (daily maximum, instantaneous or longer-term average) that the control authority determines has caused, either alone or in combination with other discharges, an interference or pass-through (including endangering the health of POTW personnel or the general public).
- (4) Any discharge of a pollutant that has caused imminent endangerment to the health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority [40 CFR 403.8(f)(1)(iv)(B)] to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
- (6) Failure to provide within 45 days after the due date, required reports such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or groups of violations, including a violation of best management practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

**SIGNIFICANT WASTE GENERATOR —**

- (1) Any categorical waste generator;
- (2) Any other waste generator which:

- (a) Discharges a flow of 10,000 gallons or more process waste per day to the treatment plant;
- (b) Contributes a process waste which makes up 5% or more of the average dry weather hydraulic flow or 5% or more of the organic (BOD) capacity of the treatment plant; or
- (c) Is designated by the Authority, EPA or DEP to have a reasonable potential, either singly or in combination with other users, for adversely affecting the operation of the public sanitary sewer system and/or the treatment plant (either its operational efficiency, effluent quality or quality of the biosolids produced by said facility), or for violating any pretreatment standard or requirement.

SLUDGE — Any solid material containing large amounts of entrained water collected during water or wastewater treatment which may be recycled.

SLUG — Any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in § 105-32 of this article.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

STORMWATER — That portion of the precipitation that runs off over the surface during a storm and for a short period following a storm and enters the sewer system, and causes the flow at the treatment plant to exceed the normal or ordinary flow.

TIER I WASTE — A waste generated by any user that is required, by the Authority, to be discharged directly into the process stream of the treatment plant. The Authority's determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most holding tank wastes, industrial wastes and sanitary landfill leachates.

TIER II WASTE — A waste generated by any user that is transported to the treatment plant by a licensed waste hauler and is required, by the Authority, to be discharged into the septage discharge station at the treatment plant. The Authority's determination is based on waste characteristics including, but not limited to total suspended solids and BOD concentration. This category of waste may include, but is not limited to most septages, biosolids and sludges.

TOTAL SOLIDS — The sum of the total suspended solids in milligrams per liter (mg/l) and dissolved solids in milligrams per liter (mg/l), as determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

TOTAL SUSPENDED SOLIDS — Solids that either float to the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of total suspended solids shall be determined by one of the acceptable methods described in 40 CFR Part 136 and amendments thereto, or by any other method approved by the EPA.

TOWNSHIP — Willistown Township.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA 307 (a) or other acts.

TREATMENT PLANT — The structures, equipment and processes owned by the Valley Forge Sewer Authority and required to collect, transport and treat domestic and industrial waste and to treat trucked industrial waste, holding tank waste and septage and to dispose of the effluent and accumulated residual solids.

TRUCKED INDUSTRIAL WASTE — Any liquid, solid or gaseous substance, whether or not solids are contained therein, produced by any user during the course of any industrial, manufacturing, trade, or business process or in the course of development, recovery or processing of natural resources, as distinct from sanitary sewage, that is permitted in accordance with § 105-32B of this article and that is transported by vehicle and discharged to the treatment plant by a waste hauler licensed in accordance with § 105-32B of this article. Leachates from sanitary landfills shall be considered trucked industrial waste.

USER — Any person who contributes, causes or permits the contribution of wastewater, or waste into the Authority's Treatment Plant.

WASTE — Any sewage (or wastewater), trucked industrial waste, holding tank waste or septage.

WASTE GENERATOR — Any nonconnected user of the treatment plant.

WASTE HAULER — A person licensed by the Authority under § 105-34B of this article to transport and discharge trucked industrial waste (generated by a permitted waste generator), or holding tank waste or septage at the treatment plant.

WASTE HAULER LICENSE — The license issued by the Authority pursuant to § 105-34B of this article which allows the discharge of domestic holding tank waste, septage or trucked industrial waste transported to the treatment plant in an over-the-road vehicle.

WASTE PERMIT — The permit issued by the Authority to a significant waste generator for a particular trucked industrial waste pursuant to Section 105-34.B of this article.

**§ 105-32. Discharge prohibitions and standards; accidental and slug discharges; grease and sand interceptors; hazardous wastes.**

- A. General discharge prohibitions. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant, or waste which will cause pass through or interference with the operation or performance of the treatment plant. These general prohibitions apply to all such users of the treatment plant whether or not the user is subject to national categorical pretreatment standards or any other national, state or local pretreatment standards or requirements. The following limitations and prohibitions shall apply to all users of the treatment plant:
- (1) Unpolluted water or waste prohibition. No person shall discharge to the public sanitary sewage system unpolluted water or waste capable of being disposed of by any means other than discharge into the public sanitary sewage system, including but not limited to noncontact cooling water, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article.
  - (2) Stormwater prohibition. No person shall discharge to the public sanitary sewage system any amount of unpolluted stormwater, including but not limited to surface water, foundation drainwater, groundwater, roof runoff or surface drainage. All connections which would result in the discharge of inflow are hereby specifically prohibited.
  - (3) Dilution of wastes prohibited. No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, or in any other pollutant-specific limitation developed by the Authority or DEP.
  - (4) Grease and oil prohibitions. No person shall discharge to the public sanitary sewage system any grease, oils or grease interceptor wastes capable of being disposed of by any means other than discharge into the public sanitary sewage system, except under such conditions as may be authorized in a permit issued by the Authority pursuant to this article. In addition, discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts causing interference or pass through at the treatment plant is prohibited.
  - (5) Other general prohibitions. Except as otherwise provided, no person shall discharge or cause to be discharged any waste or other matter or substance:
    - (a) That could cause pass through or interference, alone or in conjunction with a waste or wastes from other sources.
    - (b) Containing any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or

be injurious in any other way to the treatment plant or to the operation of the treatment plant.

- (c) Containing any noxious or malodorous or toxic gases/vapors/fumes or substance, which alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair. The discharge of wastes that result in gases, vapors or fumes in quantities that could cause worker health or safety problems at the treatment plant is specifically prohibited.
  - (d) Containing garbage that is not ground garbage.
  - (e) Containing any solid or viscous substances in quantities or of size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the treatment plant. Such substances include, but are not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, bones, rags, feathers, tar, plastic, wood, paunch manure, butchers offal, whole blood, bentonite, lye, building materials, rubber, hair, leather, porcelain, china, ceramic wastes, asphalt, paint and waxes.
  - (f) Containing a toxic pollutant or poisonous substance in sufficient quantity, either singly or by interaction with any sewage treatment process, to constitute a hazard to humans or animals or to create any hazard in the receiving stream of the treatment plant, or that exceeds any applicable limitation set forth in a national categorical pretreatment standard.
  - (g) Containing total solids, total suspended solids or BOD of such character or quantity that unusual attention or expense is required to handle such materials at the treatment plant, except as may be approved by the Authority, or as may be otherwise provided herein.
  - (h) Containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
  - (i) Prohibited by any permit issued by the Commonwealth of Pennsylvania, or by the EPA or any other federal agency.
  - (j) That constitute a slug as defined in this article.<sup>13</sup>
- B. Specific discharge prohibitions. The discharge of the following wastes into the treatment plant is hereby specifically prohibited:
- (1) Wastes containing more than 100 milligrams per liter (mg/l) of grease and oil, if the grease and oil is of unknown or petroleum origin in a Tier I or Tier II waste; or containing more than 200

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**13. Editor's Note: See § 105-31B, Word usage and definitions.**

milligrams per liter (mg/l) of grease and oil in a Tier I waste, or more than 10,000 milligrams per liter (mg/l) of grease and oil in a Tier II waste, if the grease and oil is determined to be of an animal or vegetable origin. The differentiation between grease and oil of animal/vegetable origin and those of petroleum origin shall be made by the Authority.

- (2) Wastes having a temperature higher than 150° F or less than 32° F, but in no case heat in such quantities that the temperature of the influent to the treatment plant exceeds 104° F or inhibits the biological activity of the treatment plant.
- (3) Wastes having a closed cup flash point of less than 140° F, as determined by a method listed under 40 CFR Part 261.21 and amendments thereto, are specifically prohibited. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the Lower Explosive Limit (LEL) of the meter.
- (4) Wastes having a pH lower than 6.0 or greater than 9.5 in a Tier I waste, or a pH lower the 5.0 or greater the 9.5 in a Tier II waste, or having any corrosive or scale-forming property capable of causing damage or hazards to structures, equipment, bacterial action, or health or safety hazards to operating personnel or the sewer system or the treatment plant.
- (5) Wastes that exceed any of the following concentrations in a discharge to the process stream of the treatment plant from a connected user as sewage or Tier I waste or from a nonconnected discharge (through a licensed waste hauler) as a Tier I waste, as a daily composite sample or grab sample:

<b>Tier I Limits</b>		
<b>Parameter</b>	<b>Limitation</b>	<b>Units</b>
Arsenic (Total)	0.04	mg/L
Cadmium (Total)	0.09	mg/L
Chromium (Total)	6.00	mg/L
Chromium (Hexavalent)	1.00	mg/L
Copper (Total)	1.00	mg/L
Cyanide (Total)	0.26	mg/L
Lead (Total)	0.10	mg/L
Mercury (Total)	0.02	mg/L
Nickel (Total)	0.90	mg/L
Silver (Total)	0.08	mg/L
Zinc (Total)	1.00	mg/L

**Tier I Limits**

<b>Parameter</b>	<b>Limitation</b>	<b>Units</b>
PCBs (Total)	ND	mg/L

ND - Not detectable

- (6) Wastes that exceed any of the following concentrations in a discharge to the septage discharge station of the treatment plant from a nonconnected discharge (through a licensed waste hauler) as a Tier II waste in a grab sample or daily composite sample:

**Tier II Limits**

<b>Parameter</b>	<b>Limitation</b>	<b>Units</b>
Arsenic (Total)	6.0000	mg/L
Cadmium (Total)	0.5000	mg/L
Chromium (Total)	21.0000	mg/L
Chromium (Hexavalent)	2.0000	mg/L
Copper (Total)	100.0000	mg/L
Cyanide (Total)	0.2600	mg/L
Mercury (Total)	0.7000	mg/L
Lead (Total)	39.0000	mg/L
Nickel (Total)	5.0000	mg/L
Silver (Total)	5.0000	mg/L
Zinc (Total)	95.0000	mg/L
PCBs (Total)	ND	mg/L

ND = Not detectable

- (7) Individual control limits. If the Authority determines that a waste from any significant industrial user or significant waste generator poses a unique potential for pass through or interference due to the quality or quantity of the discharge, the Authority shall place special requirements or limits, in excess of those contained in this article, in any industrial waste discharge permit or waste permit to prevent such pass through or interference. Such individual control limits may include, but are not limited to solvent/toxic organic management plans (STOMPs), toxic reduction evaluation plans (TREs), hazardous waste disposal plans, slug discharge control plans or specific numerical limitations on substances.
- (8) Any pollutant, including oxygen demanding pollutants (BOD etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with or pass through at the treatment plant.

- (9) Wastes containing color from any source that when diluted with distilled water 1:10 will have a luminescence of 10% or greater and a purity of 90% or less, at its dominant wavelength by the tristimulus method, or containing any objectionable color not removed by the treatment process utilized by the Authority.
- (10) Wastes containing more than 10 milligrams per liter (mg/L) of hydrogen sulfide, sulfur dioxide or nitrous oxide as determined by a method referenced in 40 CFR Part 136 and amendments thereto or any method approved by the EPA.
- (11) Trucked industrial waste, holding tank waste or septage, except at discharge points designated by the Authority in accordance with § 105-34B of this article.

C. Federal and state requirements.

- (1) Primary of state and federal requirements. Nothing in this section shall be construed to provide lesser discharge standards than are presently or may hereafter be imposed and required by the EPA or DEP.
- (2) National categorical pretreatment standards. The national categorical pretreatment standards, as defined in § 105-31B (relating to definitions) and promulgated by the EPA as of May 9, 1994, and the national prohibitive discharge standards, as defined in § 105-31B and promulgated by the EPA as of May 9, 1994, are specifically incorporated herein by reference. A national categorical pretreatment standard or a national prohibitive discharge standard and pretreatment standard, as defined in § 105-31B, and promulgated by the EPA subsequent to May 9, 1994, is specifically incorporated by reference upon publication in the Federal Register as final rulemaking. Any EPA standard as defined above which is more stringent than that imposed under this article shall immediately supersede the less stringent requirement upon incorporation by reference as provided herein.
- (3) Pennsylvania state standards. Upon the promulgation of any Pennsylvania state (DEP) standards or requirements, the DEP standards or requirements shall immediately supersede the limitations imposed under this article if the DEP standards are more stringent than federal limitations or requirements or the limitations and requirements imposed under this article.

D. Accidental and slug discharges.

- (1) Accidental discharge and slug discharge prevention. All users shall provide and maintain, at their own expense, facilities adequate, in the judgment of the Authority, to prevent accidental discharge of prohibited and/or regulated substances and/or slug discharges and to protect the public sanitary sewage system from damages caused by such substances. No industrial user or significant waste



generator which commences discharge to the treatment plant after the effective date of this article shall be permitted to introduce pollutants into the treatment plant until the Authority has reviewed and approved that user's accidental discharge prevention or slug prevention procedures (if those procedures are required by the Authority). Users designated as Sills after October 14, 2005, must be evaluated for the need for a slug control discharge plan within one year of designation. The Authority shall evaluate whether each SIUs needs an accidental discharge/slug control plan at least once every two years. If the Authority decides a slug control plan is needed, the plan shall contain, at a minimum, the following elements: **[Amended 1-25-2010 by Ord. No. 1-2010]**

- (a) Description of discharge practices, including nonroutine batch discharges;
  - (b) Description of stored chemicals;
  - (c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for followup written notification within five days; and,
  - (d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment measures for containing toxic organic pollutants (including solvents), and/or measures and equipment necessary for emergency response.
- (2) Accidental and/or slug discharge notification. In the case of an accidental and/or slug discharge to the treatment plant the user shall immediately telephone and notify the Authority of the accident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge and corrective actions taken and/or contemplated.
- (3) Accidental and/or slug discharge report. Within five working days following an accidental and/or slug discharge, the user shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the treatment plant, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

- (4) Employee notice concerning accidental and/or slug discharge. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

E. Grease and sand interceptors.

- (1) Interceptors required. Grease, oil and sand interceptors or retainers shall be installed by the user at his own expense when, in the opinion of the Authority, such are necessary for the proper handling of liquid wastes containing grease, oil or sand in excessive amounts, and of such other harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority.
- (2) Interceptor maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

F. Hazardous wastes; general notification requirements. All users shall notify in writing the EPA, DEP, the Authority, and the Township of any discharge of a substance whereby if otherwise disposed of would be hazardous waste (listed or characteristic under section 3001 of RCRA) into the public sanitary sewage system per the requirements of 40 CFR 403.12(p)(1) through (4).

**§ 105-33. Surcharges and fees for certain wastes.**

A. Surcharges required. Although the sewage treatment works will be capable of treating certain industrial wastes, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system. Therefore, there will be imposed upon each user discharging such waste into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs. Such surcharges shall be in addition to regular sewage service charges and shall be payable as herein provided.

B. Determination of surcharges.

- (1) The strength of any industrial or commercial waste discharge which is to be subject to a surcharge as determined by § 105-33 shall be determined quarterly, or more frequently, as the Authority shall determine. The surcharge shall be determined from samples taken either at the manhole or metering chamber referred to in this article, or at any other sampling point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such as, in the opinion of

the Authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of stormwater runoff.

- (2) Samples shall be collected or their collection supervised by a representative of the Authority and will be samples that reasonably reflect the characteristics of the waste. Except as hereinafter provided, the strength of waste so found by analysis shall be used for establishing the surcharge or surcharges. However, the Authority may, if it so elects, accept the results of routine sampling and analyses by the producer of such wastes in lieu of making its own sampling and analyses.

C. Calculation of surcharges.

- (1) In the event that, after sampling and analysis as prescribed in Subsection B hereof, any industrial or commercial waste is found by the Authority to have pollutants of BOD concentration in excess of 250 mg/l and/or total suspended solids concentration in excess of 250 mg/l, the producer of said waste shall pay a strength-of-waste surcharge in addition to the regular sewage service charge, which surcharge shall be computed by using the following formula:

$$S = 0.00834 \text{ QI}$$

$$[(\text{BODI} - 250) \text{ TA} + (\text{TSSI} - 250) \text{ TB}]$$

Where:

S is the surcharge to be added to the basic user charge.

QI is the industrial or commercial waste flow expressed in million gallons.

0.00834 is a constant to convert waste concentration.

BODI and TSSI are the respective concentrations of BOD and total suspended solids of the industrial or commercial waste expressed in mg/l.

250 is a constant which expresses the waste load concentrations of BOD and total suspended solids for normal domestic strength sewage in mg/l.

TA and TB are actual treatment costs incurred by the Authority per 1,000 pounds of BOD and total suspended solids, respectively. These costs are determined annually by the Authority based upon actual costs of operation and maintenance.

- (2) When a value of BOD and/or total suspended solids is less than 250 mg/l, than 250 mg/l shall be used in the calculation of the surcharge.

D. Sampling fees and schedules. All industrial or commercial users and all significant waste generators shall be assessed a fee or service charge for each sampling to be performed by the Authority. The fees to the user for each sampling shall include charges, as determined by the

Authority, for sample collection, analysis and administrative services, and shall be in addition to any costs of sample collection and analysis which the user performs or has performed independently or privately.

**§ 105-34. Administration.**

- A. General; permits required for certain wastes. Only sanitary sewage may be discharged into the public sanitary sewage system except as may be authorized by the Authority in accordance with the provisions of this article concerning industrial waste discharge permits, waste hauler licenses, waste generator permits and commercial discharge permits.
- B. Permits and licenses.
  - (1) Permits and licenses required. No sanitary sewage, industrial waste, trucked industrial waste, holding tank waste or septage shall be discharged to the treatment plant from any significant industrial user, significant waste generator or waste hauler other than that for which the following permits or licenses have been issued:
    - (a) Significant industrial users require industrial waste discharge permits;
    - (b) Significant waste generators require waste permits; or,
    - (c) Waste haulers require waste hauler licenses.
  - (2) Commercial discharge permits. When determined by the Authority a commercial establishment may be required to obtain a commercial discharge permit.
  - (3) Permit and license applications.
    - (a) All industrial users, waste generators and waste haulers proposing to contribute to the public sanitary sewage system shall make application for a permit or license according to Subsection B(3)(a)[1] and [2] of this section. All existing significant industrial users, significant waste generators and waste haulers contributing to the treatment plant at the time of the adoption of this article shall apply for a permit or license within 30 days after the adoption of this article, and shall obtain a permit or license within 90 days after the effective date of this article. Any user required to apply for a permit or license shall complete and file an application form approved by the Authority, accompanied by a nonreturnable processing fee to be set by the Authority. Proposed new industrial users shall apply at least 90 days prior to connecting to or contributing to the treatment plant. In support of the application for an industrial waste discharge permit, commercial discharge permit, waste permit or waste hauler license, the user may be required to submit, in units and terms appropriate for

evaluation, any of the following information, including, but not limited to:

- [1] Name, address, location, phone number;
- [2] Standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987;
- [3] Names of responsible individuals;
- [4] Waste constituents and characteristics, before and after pretreatment, as determined by a reliable analytical laboratory;
- [5] Time and duration of contribution;
- [6] Average daily waste flow rates and/or estimated or required daily discharge volumes and frequency, including daily, monthly and seasonal variations, if any;
- [7] Site plans, plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- [8] Description of activities and plant processes on the premises including all materials which are or could be discharged;
- [9] Description of waste to be discharged;
- [10] Where known, the nature and concentration of any pollutants in the discharge which are limited by the Authority, state or federal pretreatment standards, and a statement reviewed by an authorized representative of the user (as defined in § 105-31B of this article) and certified to by a qualified professional, indicating whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;
- [11] If additional pretreatment and/or operation and maintenance (O&M) will be required to meet pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard;
- [12] Make, model, year, capacity and vehicle registration number of all vehicles to be used for transportation and discharge at the treatment plant;

[13] Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and,

[14] Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

- (b) The Township or the Authority shall also have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant. The completed application shall be signed by the user's responsible individuals. The Authority will evaluate the data furnished by the user for completeness and may require additional information. After evaluation and acceptance of the data furnished as a complete application, the Authority may, for cause shown, either refuse to issue or may issue a permit or license subject to terms and conditions provided herein.
- (c) If the application for a permit or license is denied by the Authority, or if the discharge indicated from the application is not in accordance with the requirements of this article, the user may have the Authority review the denial, provided the user shall give written notice of his request within 30 days after receiving the denial. The Authority shall review the permit application, the written denial, and such other evidence and matters as the applicant shall present at a public hearing following receipt of request for its review, and the decision of the Authority rendered publicly shall be final.
- (4) Terms and conditions of permits and licenses. Permits and licenses may include any of the following terms and conditions, including but not limited to: **[Amended 1-25-2010 by Ord. No. 1-2010]**
  - (a) Maximum discharge flow rate;
  - (b) Term of permit;
  - (c) Definitions;
  - (d) General limitations;
  - (e) Specific limitations;
  - (f) Special conditions;
  - (g) Self-monitoring requirements (including sampling, reporting, notification and recordkeeping);
  - (h) Reopener clause;
  - (i) Compliance schedules (if required);
  - (j) Statements of applicable civil and criminal penalties;

- (k) Statement of nontransferability; or
  - (l) Best management practices.
- (5) Industrial waste discharge permit and commercial discharge permit. Industrial waste discharge permits and commercial discharge permits shall be issued for a specified time period, not to exceed five years. The user shall apply for permit reissuance a minimum of 90 days prior to the expiration of the user's existing permit accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists. The user shall be informed of any proposed changes in his permit at least 60 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance, including a comment period which shall be the first 30 days of the sixty-day period prior to the effective date of change.
- (6) Waste permit and waste hauler license duration. Waste permits and waste hauler licenses shall be issued for a specified time period, not to exceed one year. Each significant waste generator or waste hauler shall apply for a waste permit or waste hauler license reissuance a minimum of 30 days prior to the expiration of the existing permit or license accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. The terms and conditions of the waste permit or waste hauler license shall be subject to modification by the Authority during the term of the permit or license to accommodate changing conditions and as local, state and federal laws, rules and regulations are modified or amended, or other just cause exists.
- (7) Permit and license transfer. Permits and licenses are issued to a specific operation. No permit or license shall be assigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the Authority upon written application therefore accompanied by a nonreturnable processing fee to be set from time to time by ordinance of the Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit or license.
- (8) Revocation of permits and licenses. All permits and licenses are subject to revocation according to the provisions outlined in § 105-34C of this article.
- (9) In the event that any discharge of material to a sewer shall materially and substantially differ in type or volume from that

shown in the application or permit, the person and user shall immediately cease and desist from such discharge.

- (10) The Township or Authority may suspend any permit, license, and/or waste treatment service when such suspension is necessary, in the judgment of the Township or Authority, in order to stop a discharge which presents a hazard to the public health, safety, or welfare, to the environment or operations at the Authority's treatment plant or upon a finding that the discharger has violated any provisions of this article. Any discharger notified of such a suspension shall immediately stop the discharge of all wastes into the system. The Township or Authority may reinstate the permit or license upon proof of satisfactory compliance with all discharge requirements of this article and all other requirements of the Township or Authority.
  - (11) In the event of a failure of a person to comply voluntarily with the suspension order, the Township or Authority may take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the system or endangerment to any individuals. The Township or Authority may reinstate the permit, license and/or the waste treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township or Authority within 15 days of the date of the occurrence.
- C. Permit/license revocation; causes. An industrial waste discharge permit or a hauler license or a waste permit or a commercial discharge permit may be revoked by the Township or Authority for, including, but not limited to, the following causes.
- (1) Failure of a permittee or licensee to accurately report his wastewater characteristics;
  - (2) Failure of a permittee to report significant changes in operations which affect wastewater characteristics;
  - (3) Refusal of access to the permittee's premises or licensee's vehicle for the purpose of inspection or monitoring;
  - (4) Any violation of any condition of any permit or license or this article;
  - (5) Falsification of self-monitoring reports;
  - (6) Application falsification;
  - (7) Tampering with monitoring equipment; or,
  - (8) Failure to meet the compliance schedule.
- D. Compliance schedules.



- (1) Compliance schedules required. If additional pretreatment and/or operation and maintenance procedures are required for a permittee to meet all applicable regulations contained herein, the shortest schedule by which the permittee can provide such additional pretreatment and/or operation and maintenance procedures may be issued by the Authority or submitted by the permittee to the Authority for review and approval. The completion date for this schedule shall not be later than the compliance date established for applicable pretreatment standards. The Authority shall have the right to deny or to require the modification of proposed compliance schedules.
- (2) Compliance schedule increments of progress. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the permittee to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (3) Time limits for increments of progress. No increment of progress shall exceed nine months.
- (4) Compliance schedule compliance reports. Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which the user expects to comply with this increment of progress, the reason for delay, and the steps being taken by the permittee to return to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority. Failure to meet required milestone dates shall constitute a violation of this article.

E. Record maintenance.

- (1) Record retention requirements. All users shall maintain and retain records, including but not limited to documentation associated with best management practices, relating to wastewater discharged for a period of not less than three years and shall afford the Authority access thereto at all reasonable times. This period of retention shall be extended during the course of any unresolved litigation. Such records shall include, for all samples: **[Amended 1-25-2010 by Ord. No. 1-2010]**
  - (a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
  - (b) The date(s) and time(s) the analyses were performed;

- (c) Who performed the analyses;
  - (d) The analytical techniques/methods used; and
  - (e) The results of such analyses.
- (2) Availability of records. All records maintained by users relating to compliance with pretreatment standards shall be made available to officials of the EPA, DEP, Township, and Authority for inspection and copying upon request.
- F. Industrial agreements required. As a condition precedent to the issuance of an industrial waste discharge permit, the Authority shall require industrial users to enter into agreements with the Authority containing such provisions as the Authority deems appropriate in furtherance of its effort to comply with regulations promulgated by the EPA in 40 CFR Part 403. Industrial users shall comply with federal, state and local statutes, ordinance rules and regulations, and with the provisions of such agreements; and in the event of conflict between provisions, shall comply with whichever provision on a particular matter is most stringent or more strict.
- G. Pretreatment and handling of industrial wastes.
  - (1) General. Users shall provide necessary pretreatment as required to comply with this article and shall achieve compliance with all national categorical pretreatment standards within time limitations as specified in 40 CFR Part 403 and amendments thereto. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures and approval of such plans as required by § 105-34G(3) of this article shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this article. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user's initiation of the changes.
  - (2) Purposes and pretreatment. The Authority may require the owner of an improved property to construct, operate and maintain at his expense a pretreatment facility when, in the opinion of the Authority, such facility is necessary to reduce quantities and/or concentrations of pollutants or flows to:
    - (a) Decrease the concentration levels of pollutants in the wastewater discharge to comply with the maximum limits specified in § 105-32 of this article;

- (b) Prevent excessive quantities of flow; or
    - (c) Prevent discharges (flow or concentration) of pollutants from the user which may cause interference or pass through at the Authority's treatment plant.
  - (3) Review and approval of pretreatment facilities. If required by the Authority, no pretreatment plant and facilities shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance are reviewed by the Authority and found by the Authority to conform to all Authority regulations; and unless written approval of the plans, specifications, technical operating data and biosolids disposal methods has been obtained by the Authority from the EPA, the Commonwealth of Pennsylvania, and any other local, state or federal agency having regulatory authority with respect thereto, providing such approval is required by those agencies.
  - (4) Pretreatment facility maintenance requirement. All such pretreatment facilities as required by this article shall be maintained continuously in satisfactory and effective operating conditions by the user or person operating and maintaining the facility served thereby, and at the user's expense. The Township and the Authority shall have access to such facilities at all reasonable times for purposes of inspection and testing.
  - (5) Rejection of waste if not adequately pretreated. The Township and Authority reserve the right to reject admission to the system of any waste harmful to the public sanitary sewage system or to the receiving stream, to compel discontinuance of use of the public sanitary sewage system or to compel pretreatment of industrial wastes in order to prevent discharges deemed harmful to or having a deleterious effect upon any portion of the public sanitary sewage system or receiving stream.
- H. Sampling procedures and reporting criteria for industrial users, waste haulers and waste generators.
- (1) Self-monitoring reports. **[Amended 1-25-2010 by Ord. No. 1-2010]**
    - (a) All significant industrial users shall submit, at least twice annually, to the Authority a self-monitoring report, on a form approved by the Authority, indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater

samples must be representative of the user's discharge. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If an industrial user monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the quarter for which the report is required.

- (b) All categorical industrial users and categorical waste generators shall submit at least twice annually, to the Authority a self-monitoring report, on a form approved by the Authority, indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be representative of the user's discharge and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the user. If a categorical industrial user or categorical waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.
- (c) All significant waste generators shall submit, at least annually, to the Authority a self-monitoring report, on a form approved by the Authority, indicating the nature and concentration of pollutants in the waste discharged to the Authority treatment plant which are of particular concern to the Authority and which are limited by this article. The waste characteristics to be measured and reported shall be determined by the Authority and specified in the industrial waste discharge permit or waste permit. All wastewater samples must be

representative of the user's discharge and, for all parameters required to be analyzed utilizing a grab sample, a minimum of one grab sample must be collected and analyzed for each parameter. In cases where this article requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Authority to determine compliance of the User. If a significant waste generator monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in 40 CFR Part 403.12(g)(4), the results of this monitoring shall be included in the report. In addition, this report shall include flow information for the reporting period and shall be signed by the user's responsible individuals. This report shall be received by the Authority no later than the 30th day of the month following the period for which the report is required.

- (2) Responsible individuals. All significant industrial users, significant waste generators, licensed waste haulers and industrial users issued commercial discharge permits shall designate responsible individuals as described by this article.
- (3) Signatory requirements. All reports submitted pursuant to requirements outlined in this article, including but not limited to the Baseline Monitoring Report, the self-monitoring report and the report on compliance with national categorical pretreatment standards or ninety-day compliance report, shall be signed by the user's responsible individuals.
- (4) Certification requirements. All reports referenced in § 105-34H of this article, as well as industrial waste discharge permit applications, waste permit applications and waste hauler license applications submitted pursuant to § 105-34A of this article, shall include the following statement:

I certify, under penalty of law, that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that quality personnel properly gather, and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (5) Monitoring manholes. Whenever required by the Township or the Authority, the owner of any property served by a building sewer carrying wastewater and material shall install a large manhole or sampling chamber, flow-metering chamber, flow-monitoring

equipment, pH-monitoring equipment and other appurtenances in the building sewer to facilitate the observation, sampling and measurement of the combined flow of wastes from the user's premises into the public sanitary sewage system. These monitoring facilities shall be constructed in accordance with plans and specifications approved by the Township or the Authority and installed and maintained at all times at the user's expense. There shall be ample room in each sampling chamber to accurately sample and composite samples for analysis. The chamber shall be safely and easily and independently (of other premises and buildings of users) accessible to authorized representatives of the Township and Authority at all times. When construction of a sampling chamber and monitoring facilities are not economically or otherwise feasible in the opinion of the Authority, alternative arrangements for sampling and monitoring may be made at the discretion of the Authority.

- (6) Flow monitoring and recording. Each flow measuring chamber shall contain a Parshall flume, weir or similar device with a recording and totalizing register for measuring liquid quantity, or the metered water supply to the industrial plant may be used as a measure of liquid quantity where it is substantiated by the Authority that the metered water supply and waste quantities are approximately equal or where a measurable adjustment agreed to by the Authority is made in the metered water supply to determine the liquid waste quantity.
- (7) Sampling by authority. Samples shall be taken as deemed appropriate by the Authority. All significant industrial users shall be sampled by the Authority at least once per year. Such sampling shall be done as prescribed by the Authority to insure that the compliance of the user is determined with a reasonable degree of certainty for the entire reporting period. Samples shall be taken at the manhole or metering chamber referred to in § 105-34H(5) of this article, or in the absence of such manhole or metering chamber, at such place as the Authority shall determine will provide a representative sample of the discharge and shall represent the entire flows from the significant industrial user.
- (8) Inspection and verification of sampling and testing. The sampling frequency, sampling device, sampling methods, and analyses of samples shall be subject, at any time, to inspection and verification by the Township or the Authority.
- (9) Sampling and testing methods. All sampling measurements, tests and analyses of the characteristics of waters and wastes shall be determined in accordance with procedures contained in 40 CFR Part 136, and amendments hereto or any other method approved by the EPA.
- (10) Confidentiality of information.

- (a) The Township or Authority shall consider all information in their possession regarding an industrial user's or waste generator's effluent characteristics as being nonconfidential and may make all such information available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Township or Authority that the release of such information in their possession would divulge information of processes or methods of production entitled to protection as trade secrets of the user.
  - (b) Upon written request, at the time of submission of the data by the industrial user or waste generator furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of EPA or DEP. Any effluent data of a user's waste will not be recognized as confidential information or as a trade secret.
- (11) Sampling and testing costs. When the Authority conducts its own sampling and/or analyses of wastes discharged by any user, the Authority may make or have made any such tests, and the user shall reimburse the Authority for the full cost thereof. Such costs shall be established by resolution annually.
- (12) Ninety-day compliance reports.
  - (a) Within 90 days following the date for final compliance with applicable national categorical pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the treatment plant, any industrial user or waste generator subject to national categorical pretreatment standards and requirements shall submit to the Authority a report containing the information listed in 40 CFR Part 403.12(b)(4) through (6) indicating the nature and concentration for all pollutants in the discharge from the regulated process which are limited by the national categorical pretreatment standards and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards. industrial users or waste generators subject to equivalent mass or concentration limits established in accordance with 40 CFR Part 403.6(c), must include in the report a reasonable measure of the user's long term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

- (b) The report shall indicate the compliance status of the user with the applicable pretreatment standards as listed in 40 CFR 403.12(b) and (d), whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with all applicable pretreatment standards. This statement shall be signed by the user's responsible individuals.
- (13) Baseline monitoring reports. All industrial users and waste generators subject to national categorical pretreatment standards shall submit to the Authority, within 180 days after the effective date of a categorical standard or the final administrative decision on a category determination under 40 CFR 403.6 (a) (4), whichever is later, a report (baseline monitoring report) which indicates the compliance status of the user with the applicable national categorical pretreatment standards as listed in 40 CFR 403.12(b).
- (14) New or increased contributions. All industrial users, waste haulers or waste generators shall promptly notify the Authority prior to any changes in the volume or character of their waste discharge or in the operation of their pretreatment processes that may result in interference or pass-through at the treatment plant or affect the potential for a slug discharge to the treatment plant. The Authority reserves the right to deny the admission of or to require the pretreatment of all discharges to the public sanitary sewage system. **[Amended 1-25-2010 by Ord. No. 1-2010]**
- (15) Mass limitations. The Authority may impose mass limitations on users which, in the opinion of the Authority are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection H(1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority, of pollutants contained herein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in accordance with procedures established by EPA pursuant to Section 304(g) of the CWA and contained in 40 CFR Part 136, and amendments thereto, or with any other test procedures approved by EPA.
- (16) Notice of violation/resampling requirement. If sampling performed by an industrial user or significant waste generator indicates a violation, the industrial user or significant waste generator shall notify the Authority within 24 hours of becoming aware of the violation. The industrial user or significant waste generator shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within 30 days after becoming



aware of the violation pursuant to 40 CFR Part 403.12(g). Where the Authority has performed the sampling and analysis in lieu of the industrial user or significant waste generator, the Authority must perform the repeat sampling and analysis within 30 days unless it notifies the industrial user or significant waste generator of the violation and requires the industrial user or significant waste generator to perform the repeat analysis. **[Amended 1-25-2010 by Ord. No. 1-2010]**

- I. Annual fee. All permitted industrial users shall be subject to an annual fee to defray the cost of administration of this article. The annual fee shall be set from time to time by resolution of the Authority.
- J. Administrative fee. All connected and nonconnected users utilizing the services of the Authority under this article shall be subject to an administrative fee to defray the cost of processing invoices, bills and other charges and fees for such services. The administrative fee shall be set from time to time by resolution of the Authority.

**§ 105-35. Enforcement; violations and penalties.**

- A. Enforcement response plan. Enforcement actions taken by the Authority shall be consistent with an enforcement response plan maintained at the wastewater treatment plant offices.
- B. Inspection rights.
  - (1) General. Any duly authorized employee or agent of the Authority, bearing credentials which so identify him or her shall be permitted at any reasonable time to enter upon all properties served by the treatment plant or all properties generating trucked industrial wastes that are permitted for discharge to the treatment plant by the Authority, or licensed vehicles transporting waste for the purpose of discharge at the treatment plant, for the purpose of inspecting, observing, measuring, sampling and testing, as may be required in pursuance of the implementation and enforcement of the terms and provisions of this article. Any records of monitoring activities or results maintained by any user shall be made available for inspection and copying by the Township and/or Authority and/or the DEP and/or the EPA. Users may be required by the Authority to install monitoring equipment, as per 40 CFR 403.8(f)(1)(v). **[Amended 1-25-2010 by Ord. No. 1-2010]**
  - (2) All significant industrial users and all significant waste generators shall be inspected by the Authority at least once per year.
- C. Injunctive relief.
  - (1) General. The Township and/or Authority reserve the right to seek injunctive relief for noncompliance by any industrial user or waste generator with any pretreatment standard or pretreatment

requirement, or for noncompliance by any person with any provision of this article.

- (2) The Authority, through counsel, may petition the court for the issuance of a preliminary or permanent injunction (or both, as may be appropriate), which restrains or compels the activities on the part of the industrial user, waste generator, or person, including a prayer for payment of costs and attorney's fees as may be authorized by law. In addition, the Township and/or Authority shall have such remedies to collect all fees incurred by the Township and/or Authority as a result of this petition as it has to collect other sewer service charges.

D. Show-cause hearing.

- (1) General. The Township and/or Authority may order any industrial user which causes or contributes to a violation of this article or industrial waste discharge permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the industrial user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken.
- (2) The notice of the meeting shall be served personally or by registered or certified mail to any principal executive, general partner, corporate officer or owner of the industrial user at least 10 days prior to the hearing. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

E. Emergency response.

- (1) General; suspension of permit or license.
  - (a) The Township and/or Authority may suspend the waste treatment service and/or industrial waste discharge permit, waste permit, waste hauler license, or commercial discharge permit whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the public sanitary sewage system or the environment.
  - (b) Any user notified of a suspension of the waste treatment service and/or industrial waste discharge permit, waste permit, waste hauler license or commercial discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Township and/or Authority shall take such steps as deemed necessary, including the immediate severance of the sewer connection, to prevent or minimize

damage to the treatment plant, its receiving stream, or endangerment to any individuals. The Township and/or Authority may allow the user to recommence its discharge when the endangerment has passed, unless the permit revocation proceedings set forth in § 105-34B(8) of this article are initiated against the user.

- (2) Report requirements. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Township and/or Authority prior to the date of a show cause hearing as described in § 105-35D of this article.

F. Administrative fine.

- (1) General. Notwithstanding any other section of this article, any user, industrial user or waste generator or waste hauler who is found to have violated any provision of this article, or commercial discharge permit or industrial waste discharge permit, or waste permit or hauler license or order issued hereunder, shall be fined in an amount up to \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. All fine money shall be made payable to the Authority. The Authority shall have such other collection remedies as it has to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the individual user's property.
- (2) Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.

G. Civil penalties.

- (1) General. Any person who violates any substantive or procedural provision of § 105-32 hereof or any term or condition of any industrial waste discharge permit, commercial discharge permit or waste permit shall be subject to a civil penalty not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct violation. Notwithstanding the foregoing, a single operational upset which gives rise to simultaneous violations shall be treated as a single violation.
- (2) Appeals. Users who desire to dispute such fines must file a request before the Authority to reconsider the fine within 10 working days of being notified of the fine.

H. Criminal penalties.

- (1) General. Any person who willfully or negligently violates any provision of this article or who violates any condition of an industrial waste discharge permit, a waste permit, a hauler license, a commercial discharge permit or an order issued pursuant to this article and incorporating ordinance, is guilty of a summary offense, and, following institution of a summary proceeding by the municipality and, upon conviction, such person shall be subject to a fine of not less than \$100 nor more than \$1,000 for each separate offense, and, in default of the payment of such a fine, a person shall be imprisoned for a period of 30 days.
  - (2) Partnership, corporations and associations. If such person violating the provisions of this article shall be a partnership, then the members thereof, or if such person be a corporation or association, then the officers, members, agents, servants, or employees thereof shall, in default of payment of any fine levied under this section, be imprisoned in the county prison.
  - (3) Continuing violations. Each day of continued violation of any provision of this article shall constitute a separate offense.
  - (4) Transfer of fine money. All fine money assessed through suit or summary proceedings before any District Justice, pursuant to this section, shall be transferred to the municipality instituting the summary proceeding for the use and benefit of the Valley Forge Sewer Authority.
- I. Notice of violation; general. Whenever the Township and/or Authority determines that any industrial user or waste generator or waste hauler has violated any provisions of any permit or license issued under any section of this article, or a compliance schedule issued under § 105-34D of this article, the Township and/or Authority or their duly authorized representative shall serve upon said user a written notice of violation. Within 10 working days of the receipt of this notice, a written response to this notice, including an explanation of the cause of the violation and a plan for the correction and prevention thereof, shall be submitted to the Township and/or Authority by the user. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation.
  - J. Public notice of significant noncompliance. The Authority shall at least annually publish in the largest daily newspaper published in the area encompassed by the Authority, a list of the users which were significantly violating applicable pretreatment standards or requirements or other provisions of this article, or who were determined to be in significant noncompliance, during the 12 previous months. Significant noncompliance shall be determined according to the standards as defined in 40 CFR Part 403.8(f)(2)(vii).

**§ 105-36. Severability.**

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provision, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect. It is hereby declared as the intent of the Board of Supervisors that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**§ 105-37. Repealer.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.

**§ 105-38. (Reserved)****§ 105-39. (Reserved)****§ 105-40. (Reserved)****§ 105-41. (Reserved)****§ 105-42. (Reserved)****§ 105-43. (Reserved)**

ARTICLE V  
**Temporary Holding Tanks**  
**[Adopted 12-12-1989 by Ord. No. 1-1989]**

**§ 105-44. Purpose.**

The purpose of this article is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage, whether from residential or commercial uses, and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. It is specifically intended that such holding tanks be of a temporary nature and be permitted only when specifically approved by the Board of Supervisors as part of a plan providing a more permanent solution of disposal of sewage for a particular property.

**§ 105-45. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meanings of terms used in this article shall be as follows:

CCHD — The office of the Chester County Health Department administering the issuance of permits and promulgating the regulations governing holding tanks in Chester County.

DER — The bureau or office of the Department of Environmental Resources of the Commonwealth of Pennsylvania administering the issuance of permits and promulgating the regulations governing the issue of permits for holding tanks.

DESIGN STANDARDS — Refers to those provisions for holding tanks (retaining tanks) as established by the DER at 25 Pa. Code § 73.61 et seq., as well as all relevant installation standards and relevant locational standards established by such regulations. Said design standards are incorporated herein by reference as fully as though set forth at length. As used herein, the term design standards shall be deemed to include installation standards and locational standards.

HOLDING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

- A. CHEMICAL TOILET — A toilet using chemicals that discharge to a holding tank.
- B. RETENTION TANK — A holding tank where sewage is conveyed to it by a water-carrying system.
- C. VAULT PIT PRIVY — A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage is discharged.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE — Any substance that contains any of the waste products, excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic water supply or recreation.

SUPERVISORS — Includes the elected governing officials of the Township or such authority, commission or individuals who they may formally designate.

TOWNSHIP — Refers to the municipal government known as "Willistown, Chester County, Pennsylvania."

#### **§ 105-46. Minimum criteria.**

The use of a temporary sewage holding tank may be permitted by the Supervisors, provided that the following minimum criteria are met:

- A. The use is consistent with good land use and planning and with the spirit, purpose and intent of the Zoning Ordinance.<sup>14</sup>
- B. The property is suitable for a holding tank, and the use, if approved, will be susceptible of regulation or restriction by appropriate conditions and safeguards.
- C. The proposed use of a holding tank will serve the best interests of the Township, the convenience of the community, where applicable, and the public health, safety and general welfare.
- D. The use of a holding tank is part of an approved Township Act 537 Plan providing not only for the temporary holding tank but also for the permanent sewage disposal system.

#### **§ 105-47. Rights and privileges granted.**

The Supervisors are authorized and empowered to establish within the Township the controls and methods for temporary holding tank sewage disposal and its collection and transportation and, in furtherance thereof:

- A. They may adopt such rules and regulations concerning sewage and its disposal which they may deem necessary to effect the purposes herein.

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14. Editor's Note: See Ch. 139, Zoning.

- B. As a condition to final subdivision and/or land development approval, the Supervisors shall require that the property owner deliver to the Township financial security, in an amount and form satisfactory to the Township, to secure completion of the installation of the permanent sewage disposal system and that the delivery of this financial security shall take place prior to the commencement of any work at the site. The financial security shall be administered similar to the procedure as set forth in the Municipalities Planning Code<sup>15</sup> to guarantee completion of the required improvements.
- C. All such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all other ordinances of the Township, all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

**§ 105-48. Application for and approval of permits.**

Any person desiring to own, construct, operate or maintain a holding tank on lands within the Township shall file an application therefor on a form supplied by or satisfactory to the Supervisors, together with all plans and other materials necessary to demonstrate compliance with all of the requirements of this article and the design standard as defined herein. Upon approval by the Supervisors, the application shall be forwarded to the CCHD (and/or the DER, if appropriate), which shall, if it finds the application, plans and approvals to be in accordance with this article, process the application in accordance with the regulations administered by the CCHD (and/or the DER, if appropriate) and, upon approval, shall issue appropriate permits.

**§ 105-49. Transfer of property ownership.**

The use of a holding tank is limited to the initial property owner to whom permissive use is granted, and the ownership of any property served by the holding tank may not be transferred until the permanent system is connected.

**§ 105-50. Collection, transportation and disposal of sewage.  
[Amended 2-27-1990 by Ord. No. 1-1990]**

The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Supervisors, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. The Township shall receive, review and retain all pumping receipts from permitted holding tanks. The Township shall complete and retain annual inspection reports for each permitted holding tank.

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15. Editor's Note: See 53 P.S. § 10101 et seq.



**§ 105-51. Rates and charges.**

The Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments and other charges in any area served by the facilities, at reasonable and uniform rates, as authorized by applicable laws.

**§ 105-52. Duties of improved property owner.**

The owner of an improved property that utilizes a holding tank shall:

- A. Provide for the use of a holding tank only as a temporary, interim receptacle for the disposal of sewage as part of an overall, more permanent sewage disposal plan.
- B. Maintain the holding tank in conformance with this article or any ordinance of this Township, the provisions of any applicable law and the rules and regulations adopted by the Supervisors and any administrative agency of the Commonwealth of Pennsylvania.
- C. If the holding tank is installed for use other than a single-family dwelling, aerate and design the tank to maintain a minimum dissolved oxygen content of two milligrams per liter.
- D. Permit only the Supervisors, their agent or such carrier as they may approve to collect, transport and dispose of the contents therein.
- E. Submit to the Township yearly an executed contract for the holding tank maintenance with an approved sewage disposal contractor. Such contract shall be renewed or replaced and kept in full force and effect during the entire period in which a holding tank is utilized on the improved property. Failure to maintain such a contract shall cause an immediate revocation of the holding tank permit.
- F. At the time the permanent sanitary system is operational, fill the holding tank with an approved material, remove and properly dispose of the tank or, with the permission of the Township, incorporate the tank in the new system.
- G. Submit to the Township for its review and retention all pumping receipts from permitted holding tanks. **[Added 2-27-1990 by Ord. No. 1-1990]**
- H. Permit the Township and any authorized agent thereof to inspect holding tanks on an annual basis. **[Added 2-27-1990 by Ord. No. 1-1990]**

**§ 105-53. Violations and penalties. [Amended 2-27-1990 by Ord. No. 1-1990]**

Any person who violates any provisions of § 105-52 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine not less than \$100 and not more than \$300 and costs and, in default of said fine and costs,

to undergo imprisonment in the county prison for a period not in excess of 30 days.

**§ 105-54. Abatement of nuisances. [Amended 2-27-1990 by Ord. No. 1-1990]**

In addition to any other remedies provided in this article, any violation of § 105-52 above shall constitute a nuisance and shall be abated by the Township or the Supervisors by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.



ARTICLE VI  
**Acres Sewer District**  
**[Adopted 7-13-1993 by Ord. No. 3-1993]**

**§ 105-55. Establishment of district.**

The Board of Supervisors hereby establishes the Acres Sewer District comprising the territory including Harvey Lane and Andrews Road (T-648), Shepherd Road (T-646), Williams Road (T-647), Wildwood Drive (T-617), Pond Lane (T-618), Mesa Lane (T-619), Creek Road (T-530) and portions of Paoli Pike (LR143), School Lane (T-661), Long Lane (T-638) and Warren Avenue (LR15228), as more specifically detailed in the plans for the Acres Sanitary Sewer Extension Project prepared by Yerkes Associates, Inc., dated March 1, 1993, last revised April 8, 1993, issued April 23, 1993. The district shall include those residential properties and the Sugartown Elementary School, as depicted on the above plans.

**§ 105-56. Sewer tapping fees.**

- A. In addition to any other connection, customer facilities or tapping fees fixed and imposed under this chapter, there is hereby fixed and imposed upon the owner of each property situated within the Acres Sewer District a tapping fee (collection part) of \$4,827.93 per equivalent dwelling unit (EDU) of capacity required for connection. **[Amended 4-9-2007 by Ord. No. 4-2007]**
- B. Capacity allocations for the purpose of determining the tapping fee shall be determined on the basis of a total wastewater flow (including water use and an average infiltration/inflow allowance) of 229.5 gallons per day per EDU. Each private dwelling unit or living unit (including each house, townhouse, condominium or apartment unit) shall have an EDU value of one EDU per unit. The EDU value of any other uses shall be determined by the Township. **[Amended 4-9-2007 by Ord. No. 4-2007]**
- C. Where two or more buildings are connected to the sewer system through a single service connection or where two or more uses are made of the same improved property, the tapping fee determination shall be computed as though such building and each type of use were separate improved properties or uses with separate sewer connections.
- D. Where any building connected to the sewer system shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected directly to the sewer system through an existing lateral or connected directly through a new lateral so as to create or establish more extensive use or additional uses as classified in Subsection B above, an additional tapping fee in accordance with Subsection A above, for each such additional use, shall be payable to the Township by the owner of the property so improved.

- E. The fees imposed hereunder shall be in addition to any rental or other charges fixed, charged or imposed by the Township by reason of the use, or availability for use, of the sewer system by such property.

**§ 105-57. Time and methods of payment.**

For each existing dwelling unit and other established uses within the Acres Sewer District, the tapping fees established herein shall be due and payable within 60 days of the effective date of this article. All other connection, customer facilities or tapping fees fixed and imposed under this chapter shall be due and payable at the time of application for connection. For each new dwelling unit or other use or converted, enlarged or remodeled or additional buildings, the tapping fees shall be due and payable at the time of application for connection.

**§ 105-58. Penalties for delinquent tapping fees; liens. [Amended 4-13-2009 by Ord. No. 3-2009]**

- A. Sewer tapping fees shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. These penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said fees, including but not limited to municipal lien and assumpsit remedies.
- B. All sewer tapping fees, together with all penalties and additional fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent fees, together with penalties, additional fees and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-59. Connection to Acres Sewer System.**

- A. Except as provided in Subsection B below, connection to the Acres Sewer System shall be required as provided in § 105-2 of this chapter.
- B. All persons owning any occupied private dwelling unit or living unit now erected upon property in the Acres Sewer District shall, at their own expense, connect such unit with the sewer system within 60 days after written notice to such persons from the Township, unless said persons obtain, at their own expense, a septic certification which states that the existing sewage disposal system on the property has been inspected and found to presently be in satisfactory working condition, in accordance with the septic systems inspection guidelines of the Pennsylvania Septic Management Association (PSMA), adopted April 6, 1989. The inspection shall be conducted by a member of the PSMA, and

the certification shall be on the form known as the "PSMA Septic System Inspection Checklist," dated March 1992. The PSMA inspection guidelines and checklist are attached hereto and incorporated herein as Appendix A.<sup>16</sup> The certification shall be submitted to the Township within 30 days after the property owners receive written notice from the Township to connect and, thereafter, the property owners shall annually, at their own expense, cause an inspection and certification to be obtained in accordance with the above requirements and submit the same to the Township. In the event that the property owners fail to obtain or submit the annual certification, or in the event that the sewage disposal system is found at any time not to presently be in satisfactory working condition, the property owners shall, at their own expense, connect with the sewer system within 60 days.

- C. Notwithstanding any provision to the contrary set forth in Subsection B above, all persons shall, at their own expense, connect such building with the sewer system prior to the sale or transfer of the property to a third party, even if said persons have obtained a septic certification which states that the existing sewage disposal system is found to presently be in satisfactory working condition.

#### **§ 105-60. Connections to comply with requirements.**

No connection shall be made to the Acres Sewer System except in compliance with this chapter and with the ordinances and resolutions, as well as such rules and regulations which may, from time to time, be enacted, adopted, approved or promulgated by the Township.

#### **§ 105-61. Right of entry and inspections.**

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or place as may be necessary to carry out the provisions of this article and the rules and regulations promulgated hereunder. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis.

#### **§ 105-62. Violations and penalties.**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions of this article, upon conviction before any District Justice, shall be fined not more than \$1,000 and costs of prosecution and collection activities or by imprisonment in the county jail for a term not to exceed 30 days, or both such fine and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for such separate offense.

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**16. Editor's Note: Appendix A is on file in the Township offices.**

**§ 105-63. Remedies.**

In addition to the penalties provided in § 105-62, the Township is authorized to file appropriate actions at law or in equity in the Court of Common Pleas in and for Chester County or before any other body having jurisdiction over the persons and activities herein regulated to abate any violations and remove any septic disposal system owned, operated or maintained in violation of the provisions of this article. Violations of this article are declared to be public nuisances, abatable as such.

**§ 105-64. Adoption of rules and regulations.**

The Township reserves the right to and may, from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the connection of properties to the Acres Sewer System and for the use, maintenance and operation of the Acres Sewer System, and all such rules and regulations shall be and become a part of this article.

**§ 105-65. More stringent provisions to apply.**

For all ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, the more stringent ordinance or resolution shall apply.

**§ 105-66. When effective.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties within the Acres Sewer District. The Township reserves the right to make such changes from time to time as, in its opinion, may be desirable or beneficial and to amend this article or to change the fees in such manner and at such times as, in its opinion, may be advisable.

**§ 105-67. Severability.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared that, as the intent of the Board of Supervisors of Willistown Township, this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

ARTICLE VII  
**Sewer Tapping Fees**  
**[Adopted 2-17-1998 by Ord. No. 1-1998]**

**§ 105-68. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

DWELLING OR LIVING UNIT — A building or entirely self-contained portion thereof containing complete housekeeping, kitchen, sleeping and lavatory facilities, intended for occupancy as a residence by only one family (including any domestic servants living or employed on the premises) with no enclosed space (other than vestibules, entrance or other hallways or porches) in common with any other dwelling or living unit.

EQUIVALENT DWELLING UNIT or EDU — A standard unit of measure for which sewer tapping fees are charged and billed at the rates set forth in this article. For the purposes of this article, one EDU shall equal an average flow of 229.5 gallons per day. **[Amended 4-9-2007 by Ord. No. 4-2007]**

PERSON — An individual, partnership, company, association, society, corporation or other group or entity.

SEWER SYSTEM — All facilities operated by the Township of Willistown for the collection and disposal of sanitary sewage and acceptable industrial wastes in and for Willistown Township.

SEWER TAPPING FEES or TAPPING FEES — Charges to be assessed against any person making a connection to the sewer system or changing the type of use of a property previously connected, on the basis of equivalent dwelling units served.

**§ 105-69. Fees established.**

- A. There is hereby fixed and imposed upon the owner of each property making any connection to the sewer system on or after the date hereof, directly or indirectly, including those changing the type of use of property previously connected or connecting one or more new uses through an existing connection, regardless of whether such property is connected separately or through one or more existing or new lateral sewers or sewer connections or collection lines owned by any owner other than the Township, a minimum tapping fee of \$2,155.80 per EDU of capacity required per use for connection. **[Amended 4-9-2007 by Ord. No. 4-2007]**
- B. The tapping fees represent initial tapping fees. The Township, from time to time following the completion of construction of a building, shall charge such supplemental tapping fee as is prescribed in this article.
- C. The minimum tapping fee for any property or use shall be at a rate of one EDU. The tapping fee shall be determined by the Township's estimate of sewer usage for the relevant type of property or use (or most similar type of sewer use) in consultation with the Township



Engineer. Any building, structure or use that contains more than one use or activity shall be charged a separate tapping fee for each use or activity based upon the above classifications.

**§ 105-70. Additional fees.**

- A. Where any building connected to the sewer system shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected indirectly to the sewer system through an existing lateral, so as to create or establish additional uses as classified in this article, an additional tapping fee in accordance with this article for each such additional use shall be payable by the owner of the property so improved to the Township.
- B. The tapping fees imposed hereunder with respect to property connected shall be in addition to any connection fee or inspection charge imposed by the Township, and any rental or other charges fixed, charged or imposed by the Township by reason of the use, or availability for use, of the sewer system by such property.

**§ 105-71. Certification of use; inspection.**

Each person applying for a connection to the sewer system shall certify to the Township its proposed use or uses and its reasonably anticipated sewer usage for the property to be connected, on a form prescribed by the Township. The Township shall have the right at any time to investigate the actual sewer usage of any property so connected in order to verify that the actual sewer usage conforms to the applicant's certification and to impose additional sewer tapping fees per additional EDU's or multiple or fraction thereof, in accordance with the above tapping fee schedule in conjunction with the additional capacity requirements of such person.

**§ 105-72. Application to increase usage required.**

No commercial, institutional or industrial user shall increase its sewer usage beyond that set forth in its original application for connection, or as determined by the Township at the time of connection, or beyond its existing usage on the effective date of this article, without first making application to the Township for such increased usage on a form prescribed by the Township and obtaining the written approval of the Township. All applicants shall pay to the Township such additional tapping fees per additional EDU's or multiple or fraction thereof, in accordance with the above tapping fee schedule in conjunction with the additional capacity requirements of such customer.

**§ 105-73. Decreased usage.**

No refund, rebate or credit of tapping fees shall be made in the event of a decrease in sewer usage.

**§ 105-74. Fees nontransferable.**

No tapping fees paid under this article for any distinct lot, parcel or property shall be transferable to any other lot, parcel or property.

**§ 105-75. Time and methods of payment.**

Tapping fees shall be due and payable upon the Township's issuance of a permit for connection. No sewage conveyance or treatment capacity shall be reserved for any person unless the applicable tapping fees have been paid in full. For increased sewer use or a change in use, the additional tapping fees shall be due and payable at the time application is made or when imposed by the Township, as the case may be.

**§ 105-76. Delinquent payment; violations and penalties. [Amended 4-13-2009 by Ord. No. 3-2009]**

- A. Sewer tapping fees shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. These penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said fees, including but not limited to municipal lien and assumpsit remedies.
- B. All sewer tapping fees, together with all penalties and additional fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent fees, together with penalties, additional fees, and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-77. Severability.**

The provisions of this article shall be severable and if any section, paragraph, sentence, clause or phrase shall be declared unconstitutional, illegal or otherwise invalid by the judgment or decree of a court of competent jurisdiction, that invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this article. It is hereby declared that this article would have been adopted had such invalid provision not been included herein.



ARTICLE VIII  
**East Central Sewer District**  
**[Adopted 8-3-1998 by Ord. No. 7-1998]**

**§ 105-78. District established.**

The Board of Supervisors hereby establishes the East Central Sewer District comprising the territory including Grubb Road, Clearview Road, Post Road, Colonial Road, Waynesborough Road, Treble Lane, Reynard Road, Davis Road, the Fitzpatrick property, VFW property and Stoneybrook Road as more specifically detailed in the plan prepared by Yerkes Associates, Inc., dated October 27, 1997; last revised January 15, 1998, and prepared in accordance with the Township's Official Sewage Facilities Plan approved by the Pennsylvania Department of Environmental Protection on December 19, 1997, and as shown an Exhibit 2 of that Plan, dated December 17, 1996, depicting the East Central Phase 1 Sewer Project. The District shall include all residential properties, as depicted on the above plans. The district shall also include the property of any future connection into the East Central Sewer System, or any future expansion of the system, whether or not the connection or expansion is described alone or is depicted on the able plans.

**§ 105-79. Sewer tapping fees.**

- A. In addition to any other connection, customer facilities or tapping fees fixed and imposed under this chapter, there is hereby fixed and imposed upon the owner of each property situated within the East Central Sewer District a tapping fee (collection part) of \$7,120 per equivalent dwelling unit (EDU) of capacity required for connection.
- B. Capacity allocations for the purpose of determining the tapping fee shall be determined on the basis of a total wastewater flow (including water use and an average infiltration/inflow allowance) of 250 gpd per EDU. Each private dwelling unit or living unit (including each house, townhouse, condominium or apartment unit) shall have an EDU value of one EDU per unit. The EDU value of any other uses shall be determined by the Township.
- C. Where two or more buildings are connected to the sewer system through a single service connection or where two or more uses are made of the same improved property, the tapping fee determination shall be computed as though such building and each type of use were separate improved properties or uses with separate sewer connections.
- D. Where any building connected to the sewer system shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected directly to the sewer system through an existing lateral, or connected directly through a new lateral so as to create or establish more extensive use or additional uses as classified in Subsection B above, an additional tapping fee in accordance with

Subsection A above, for each such additional use, shall be payable to the Township by the owner of the property so improved.

- E. The fees imposed hereunder shall be in addition to any rental or other charges fixed, charged or imposed by the Township by reason of the use, or availability for use, of the sewer system by such property.

**§ 105-80. Time and methods of payment.**

For each existing dwelling unit and other established uses within the East Central Sewer District, the tapping fees established herein shall be due and payable within 60 days of the effective date of this article. All other connection, customer facilities or tapping fees fixed and imposed under this chapter shall be due and payable at the time of application for connection. For each new dwelling unit or other use, or converted, enlarged or remodeled or additional buildings, the tapping fees shall be due and payable at the time of application for connection.

**§ 105-81. Penalties for delinquent tapping fees and liens. [Amended 4-13-2009 by Ord. No. 3-2009]**

- A. Sewer tapping fees shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. These penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said fees, including but not limited to municipal lien and assumpsit remedies.
- B. All sewer tapping fees, together with all penalties and additional fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent fees, together with penalties, additional fees and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty and costs accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-82. Connection required; exemptions; compliance.**

- A. Except as provided in Subsection B below, connection to the East Central Sewer System shall be required as provided in § 105-2 of this chapter.
- B. All persons owning any occupied private dwelling unit or living unit now erected upon property in the East Central Sewer District shall, at their own expense, connect such unit with the sewer system within 60 days after written notice to such persons from the Township, unless said persons obtain at their own expense a septic certification which states that the existing sewage disposal system on the property has been

inspected and found to presently be in satisfactory working condition, in accordance with the septic systems inspection guidelines of the Pennsylvania Septic Management Association (PSMA), adopted April 6, 1989. The inspection shall be conducted by a member of the PSMA, and the certification shall be on the form known as the "PSMA Septic System Inspection Checklist" dated March 1992. The PSMA inspection guidelines and checklist are attached hereto and incorporated herein as Appendix A.<sup>17</sup> The certification shall be submitted to the Township within 30 days after the property owners receive written notice from the Township to connect and, thereafter, the property owners shall annually, at their own expense, cause an inspection and certification to be obtained in accordance with the above requirements and submit the same to the Township. In the event that the property owners fail to obtain or submit the annual certification, or in the event that the sewage disposal system is found at any time not to presently be in satisfactory working condition, the property owners shall, at their own expense, connect with the sewer system within 60 days.

- C. Notwithstanding any provision to the contrary set forth in Subsection B above, all persons shall, at their own expense, connect such building with the sewer system prior to the sale or transfer of the property to a third party, even if said persons have obtained a septic certification which states that the existing sewage disposal system is found to presently be in satisfactory working condition.
- D. Anyone connecting into the East Central Sewer System, or any future extension of this system, will be required to comply with all parts of this article.

#### **§ 105-83. Connections to comply with requirements.**

No connection shall be made to the East Central Sewer System except in compliance with this chapter and with the ordinances and resolutions, as well as such rules and regulations which may, from time to time, be enacted, adopted, approved or promulgated by the Township.

#### **§ 105-84. Right of entry and inspections; samples.**

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or place as may be necessary to carry out the provisions of this article and the rules and regulations promulgated hereunder. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis.

#### **§ 105-85. Violations and penalties.**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions

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**17. Editor's Note: Appendix A is on file in the Township offices.**

of this article, upon conviction before any District Justice, shall be fined not more than \$1,000 and costs of prosecution and collection activities or by imprisonment in the county jail for a term not to exceed 30 days, or both such fines and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for such separate offense.

#### **§ 105-86. Remedies.**

In addition to penalties provided in § 105-85, the Township is authorized to file appropriate actions in the Court of Common Pleas in and for Chester County or before any other body having jurisdiction over the persons and activities herein regulated to abate, make connections to the sewer system and remove any septic disposal system owned, operated or maintained in violation of the provisions of this article. Violations of this article are declared to be public nuisances, abatable as such.

#### **§ 105-87. Adoption of rules and regulations.**

The Township reserves the right to and may from time to time adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the connection of properties to the East Central Sewer System and for the use, maintenance and operation of the East Central Sewer System, and all such rules and regulations shall be and become a part of this article.

#### **§ 105-88. More stringent regulations to apply.**

For all ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, the more stringent ordinance or resolution shall apply.

#### **§ 105-89. When effective; applicability; amendments authorized.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties within the East Central Sewer District. The Township reserves the right to make such changes from time to time as in its opinion may be desirable or beneficial and to amend this article or to change the fees in such manner and at such times as, in its opinion, may be advisable.

#### **§ 105-90. Severability.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared that it is the intent of the Board of Supervisors of Willistown Township that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included therein.

## ARTICLE IX

**Penns Preserve Sewer District  
[Adopted 12-13-1999 by Ord. No. 5-1999]****§ 105-91. Acceptance of dedication.**

Willistown Township hereby accepts the continuing offer of dedication of Quaker Sewer, Inc., a Pennsylvania corporation, and, thereby, Willistown Township acquires ownership of the easements more fully described in the Sanitary Sewage Cross-Easement Agreement recorded in Chester County in Deed Book 3528, Page 2258 et seq., as amended by the First Addendum recorded in Chester County in Deed Book 4181, Page 133 et seq., and legal title to the improvements, to a certain community sewage collection and disposal system more fully described in Appendix A appended hereto,<sup>18</sup> made a part hereof and incorporated herein by reference (the "community sewage system"); which community sewage system serves or will serve some 202 townhouse units, more or less, made a part of a certain residential land development known as Willistown Chase/Penns Preserve.

**§ 105-92. Unlawful conduct.**

From and after the effective date of this article, no septic tank or other means of sewage disposal shall be constructed on those lands now served by the community sewage system, and it shall be unlawful for any person to cause or permit the flowing, discharge or drainage of waste, sewage or other similar wastes from said lands except into the community sewage system.

**§ 105-93. Applicability.**

From and after the effective date of this article, each owner, lessee and invitee with respect to the lands served by the community sewage system shall be subject to this article, including but not limited to the penalties and remedies contained herein, and the rules and regulations promulgated pursuant hereto.

**§ 105-94. Sewer charges. [Amended 4-9-2007 by Ord. No. 4-2007]**

The Board of Supervisors of Willistown Township shall prescribe by resolution the charge or charges to be assessed against each person or persons whose property is served by the community sewage system; which charges in the aggregate shall be fixed in an amount not less than the projected cost to the Township of operating, maintaining, repairing and, if necessary, replacing the community sewage system, including without limitation the cost of any contract for the operation, maintenance, repair and replacement, the cost of administrative services in administering and monitoring any such contract and in assessing and collecting the charges assessed against the users of the community sewage system, the cost of

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**18. Editor's Note: Appendix A is on file in the Township offices.**



such consultants as are retained to provide advice and assistance in matters having to do with the community sewage system, the cost of insuring against potential liabilities and risks associated with the community sewage system, and a reasonable capital reserve for the eventual major repair and replacement of the community sewage system. Such charge or charges as may be prescribed by the annual resolution of the Board of Supervisors shall be paid to the Township Treasurer, on a quarterly basis, and the charge for each calendar quarter shall be billed and payable within 30 days of the billing date.

#### **§ 105-95. Sewer liens.**

Once set by the Board of Supervisors and assessed against property served by the community sewage system, the charges, together with penalties, interest, costs and reasonable attorneys fees, shall constitute liens against the properties and may be collected in the same manner as other sewer charges and municipal liens.

#### **§ 105-96. Segregation of funds.**

All money received as a result of assessment of the sewer charges shall be maintained as a special reserve fund and shall be used only for the payment of the costs of administering, operating, maintaining, repairing, replacement and, if necessary, enlarging the community sewage system and for a reasonable capital reserve in connection therewith.

#### **§ 105-97. Penalties for delinquent charges. [Amended 4-13-2009 by Ord. No. 3-2009]**

- A. The charges for sewer service shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. If not paid within 120 days after the date of the bill, the Township shall have the right to cut off sewer service from the delinquent premises and not to restore the same until all delinquent bills against the same and the cost of cutting off and restoring service shall have been paid.
- B. All persons connected to the sewer system must give the Township their correct addresses. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.
- C. Payment made, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face, will be deemed to be a payment within such period.
- D. All sewer charges, together with all penalties and fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent charges, together with penalties, fees and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the

Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-98. Adoption of rules and regulations.**

The Township reserves the right to, and may from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the Community Sewage System, and all such rules and regulations shall be and become a part of this article.

**§ 105-99. Connections.**

Connection to the community sewage system shall be required as provided in § 105-2 of this chapter. No connection shall be made to the community sewage system except in compliance with this article as well as such rules and regulations which may, from time to time, be enacted, adopted, approved or promulgated by the Township. The Township hereby waives the payment of sewer connection fees for the 202 Willistown Chase/Penns Preserve townhouse units.

**§ 105-100. Right of entry and inspections.**

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or place as may be reasonably necessary to carry out the provisions of this article and the rules and regulations promulgated hereunder. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis.

**§ 105-101. Future availability of integrated municipal sewer system.**

If at any time after the effective date of this article, an integrated municipal sewer system is made available by the Township for connection to all of the properties served by the community sewage system, the owners of said properties shall be subject to all rules and regulations governing connection to and use of said sewer system, and all money maintained in connection with the community sewage system on the date of connection of the last of said properties to the municipal sewage system, less the cost of discontinuance thereof and disconnection therefrom, shall constitute a credit benefiting said properties and against the payment of any sewer connection or tapping fees charged in connection therewith.

**§ 105-102. Violations and penalties.**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions of this article, upon conviction before any District Justice, shall be fined not more than \$1,000 and cost of prosecution and collection activities or

by imprisonment in the county jail for a term not to exceed 30 days, or both such fine and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense.

### **§ 105-103. Remedies.**

In addition to the penalties provided in § 105-102, the Township is authorized to file appropriate actions at law or in equity in the Court of Common Pleas in and for Chester County or before any other body having jurisdiction over the persons and activities herein regulated to abate any violations of the provisions of this article. Violations of this article are declared to be public nuisances, abatable as such.

### **§ 105-104. Establishment district.**

Without limiting the foregoing, it is the intent and purpose of the Board of Supervisors of Willistown Township to declare and create a separate sanitary sewer district consisting of the lands served by the community sewage system to be known as the "Penns Preserve Sewer District."

### **§ 105-105. More stringent regulations to apply.**

For all ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, the more stringent ordinance or resolution shall apply.

### **§ 105-106. When effective; applicability; amendments authorized.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties within the Penns Preserve Sewer District. The Township reserves the right to make such changes from time to time as in its opinion may be desirable or beneficial and to amend this article or to change the fees in such manner and at such times as, in its opinion, may be advisable.

### **§ 105-107. Severability.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared that it is the intent of the Board of Supervisors of Willistown Township that this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

### **§ 105-108. Construal of provisions.**

Nothing herein shall be construed to relieve any party from paying any fees, costs, charges or reimbursements required pursuant to the Sanitary

Sewage Cross-Easement recorded in Chester County in Deed Book 3528, Page 2258 et seq., as amended by the First Addendum recorded in Chester County in Deed Book 4181, Page 133 et seq., and/or the Sewer Services Agreement recorded in Chester County in Deed Book 4181, Page 168 et seq.



ARTICLE X  
**Low-Pressure Sewer Systems**  
**[Adopted 6-20-2011 by Ord. No. 4-2011]**

**§ 105-109. Purpose; authority.**

- A. Purpose. The purpose of this article is to establish procedures for the installation, use and maintenance of sewage grinder pumps and any associated force mains or low-pressure laterals. It is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Township.
- B. Authority. The Township is authorized by law to enact ordinances or adopt resolutions regarding sewage conveyance, treatment and disposal.

**§ 105-110. Definitions.**

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

ACT 537 PLAN — The Township's Official Plan as defined in the Pennsylvania Sewage Facilities Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1-750.20a ("Sewage Facilities Act" or "Act 537").

DEPARTMENT — The Pennsylvania Department of Environmental Protection.

GRINDER PUMP — Any electric-motor-driven, submersible, centrifugal pump capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry, and pumping this material through a small diameter discharge.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

OFFICIAL PLAN REVISION — A change in the Township's Act 537 Plan to provide for additional or newly identified future or existing sewage facilities needs, as defined fully in Section 1 of the Sewage Facilities Act, 35 P.S. § 750.1.

PROPERTY OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic

water supply or for recreation or any substance which constitutes pollution under the Clean Stream Law, 35 P.S. §§ 691.1-691.1001, as amended.

TOWNSHIP — Willistown Township and/or its Board of Supervisors.

**§ 105-111. Planning requirements.**

The connection of existing properties or proposed new land development to an existing or proposed sewerage system through the use of sewage grinder pumps, their associated force mains, or low-pressure laterals shall occur only after an official plan revision to the Township's Act 537 Plan, approved by both the Township and Department, designates that the proposed properties be served by such a connection.

**§ 105-112. Powers of the Township.**

The Township is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to affect the purposes herein. The Township is hereby authorized and empowered to take such other actions as are necessary, including, but not limited to, entering into agreements with property owners that ensure proper operation and maintenance of sewage facilities within the Township's borders, including, but not limited to, sewage grinder pumps and any associated force mains or low-pressure laterals.

**§ 105-113. Duties and responsibilities of the Township.**

- A. The Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws, to affect the purposes of this article.
- B. The Township may enter into an agreement with each property owner or representative homeowner association representing multiple property owners located within a development proposing to install or who has installed a sewage grinder pump or low-pressure sewage system to assure the short- and long-term operation and maintenance, use, service, repair or replacement of such systems.
- C. All grinder pumps and low-pressure sewer systems and the installation, use, operation, maintenance, service, repair and replacement thereof shall comply with the rules and regulations of the Township in effect from time to time.
- D. All grinder pumps and low-pressure sewer systems shall be connected to the sewage collection and conveyance system in full compliance with the rules and regulations of the Township in effect from time to time.
- E. The Township shall maintain control over the type of grinder pumps used and maintain extra grinder pump replacement parts, including pumps and controls for emergency repair or replacement on short notice.

- F. The Township is to provide twenty-four-hour, seven-days-a-week on-call service for the owners of grinder pump systems. In addition, the Township will provide annual cleaning for the grinder pump and basin and checking and inspecting the components of the grinder pump system.
- G. The Township shall provide the grinder pump system at cost, including pump, pump controls, pump basin and valves, to the property owner or property owner's contractor for new installations.
- H. The Township shall provide inspection services to the property owner during startup of the grinder pump system.

**§ 105-114. Duties and responsibilities of owners.**

- A. Each property owner served by a grinder pump shall be responsible for maintenance charges for low-pressure sewer systems under § 105-11.
- B. Each property owner served by a grinder pump shall bear full responsibility for installing, using, operating, maintaining, servicing beyond the annual service provided by the Township, repairing and replacing his/her grinder pump and/or its low-pressure force main or lateral, unless otherwise set forth herein.
- C. Each property owner served by a grinder pump shall have full responsibility for using the pump consistent with the manufacturer's instructions and instructions provided by the Township, if applicable, and shall avoid introducing into the sewerage system materials that may damage the impellers on the pump, including, but not limited to, items designated as biodegradable in septic tanks.
- D. Each property owner served by a grinder pump shall close the sewage system and cease operations during any period when the grinder pump and/or low-pressure system serving a property is inoperable for more than 90 days.
- E. Where the low-pressure force main or lateral is shared between property owners, they shall submit to the Township a Declaration of Easements, Covenants and Restrictions in recordable form setting forth the agreement of each benefited property owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low-pressure sewer system, which agreement shall bind all future property owners. Following the approval of the low-pressure system by all applicable agencies, the Township will not issue a permit for its installation until evidence is presented that the agreement has been recorded in the Office for the Recording of Deeds, Chester County, Pennsylvania.

**§ 105-115. Abatement of nuisances.**

In addition to any other remedies provided in this ordinance, any violation of §§ 105-113 and 105-114 above shall constitute a nuisance and shall be



abated by the Township by either seeking mitigation of the nuisance or appropriate equitable or legal relief from a court of competent jurisdiction.

**§ 105-116. Rules and regulations to be in conformity with applicable law.**

All such rules and regulations adopted by the Township to effectuate this article shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

## ARTICLE XI

**Sewage Management Program for On-Lot Systems  
[Adopted 12-10-2012 by Ord. No. 5-2012]****§ 105-117. Short title; introduction; purpose.**

- A. This article shall be known and may be cited as "An Ordinance Providing for a Sewage Management Program for On-Lot Systems for Willistown Township."
- B. In accordance with municipal codes, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394, as amended, 35 P.S. §§ 691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535, as amended, 35 P.S. § 750.1 et seq., known as Act 537), it is the power and the duty of Willistown Township to provide for adequate sewage treatment facilities and for the protection of the public health by preventing the discharge of untreated or inadequately treated sewage. The Official Sewage Facilities Plan for Willistown Township indicates that it is necessary to formulate and implement a sewage management program to effectively prevent and abate water pollution and hazards to the public health caused by improper treatment and disposal of sewage.
- C. The purpose of this article is to provide for the regulation, inspection, maintenance and rehabilitation of on-lot sewage disposal systems; to permit intervention in situations which may constitute a public nuisance or hazard to the public health; and to establish penalties and appeal procedures necessary for the proper administration of a sewage management program.

**§ 105-118. Definitions.**

- A. As used in this article, the following terms shall have the meanings indicated:

AUTHORIZED AGENT — The Sewage Enforcement Officer, designated by the Chester County Health Department (Health Department) or other person or entity, including the Township Zoning Officer, appointed by the Willistown Township Board of Supervisors to administer or assist in the administration of this article.

BOARD — The Board of Supervisors, Willistown Township, Chester County, Pennsylvania.

COMMUNITY SEWAGE SYSTEM — Any system, whether publicly or privately owned, for the collection of sewage from two or more lots, and the treatment and/or disposal of the sewage on one or more lots or at any other site.

DEPARTMENT — The Department of Environmental Protection of the Commonwealth of Pennsylvania (DEP).

HEALTH DEPARTMENT — The Chester County Health Department.

INDIVIDUAL SEWAGE SYSTEM — A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this commonwealth.

MALFUNCTION — A condition which occurs when an on-lot sewage disposal system discharges sewage onto the surface of the ground, into groundwaters of this commonwealth, into surface waters of this commonwealth, backs up into a building connected to the system, or in any manner causes a nuisance or hazard to the public health or pollution of ground- or surface water or contamination of public or private drinking water wells. Systems shall be considered to be malfunctioning if any condition noted above occurs for any length of time during any period of the year.

OFFICIAL SEWAGE FACILITIES PLAN — A comprehensive plan for the provision of adequate sewage disposal systems, adopted by the Board and approved by the Department, pursuant to the Pennsylvania Sewage Facilities Act.<sup>19</sup>

ON-LOT SEWAGE DISPOSAL SYSTEM — Any system for disposal of domestic sewage involving pretreatment and subsequent disposal of the clarified sewage into a subsurface soil absorption area or retaining tank; this term includes both individual sewage systems and community sewage systems.

OWNER or PROPERTY OWNER — A person or entity owning property served by an on-lot sewage disposal system.

PERSON — Any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the commonwealth, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing a penalty or imposing a fine or imprisonment, the term "person" shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

REHABILITATION — Work done to modify, alter, repair, enlarge or replace an existing on-lot sewage disposal system.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply, or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as the "The Clean Streams Law," as amended.<sup>20</sup>

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19. Editor's Note: See 35 P.S. § 750.1 et seq.

20. Editor's Note: See 35 P.S. § 691.1 et seq.

SEWAGE ENFORCEMENT OFFICER (SEO) — A person certified by the Department who is employed by the Health Department. Such person is authorized to conduct investigations and inspections, review permit applications, issue or deny permits and do all other activities as may be provided for such person in the Sewage Facilities Act,<sup>21</sup> the rules and regulations promulgated thereunder and this or any other ordinance adopted by the Township.

SEWAGE MANAGEMENT DISTRICT — Any area or areas of the Township designated in the Official Sewage Facilities Plan adopted by the Board as an area for which a sewage management program is to be implemented. For Willistown Township, said district shall include the entire Township except those areas specifically served by public sewers.

SEWAGE MANAGEMENT PROGRAM — A comprehensive set of legal and administrative requirements encompassing the requirements of this article, the Sewage Facilities Act, the Clean Steams Law,<sup>22</sup> the regulations promulgated thereunder and such other requirements adopted by the Board or the Health Department to effectively enforce and administer this article.

SUBDIVISION — The division or redivision of a lot, tract or other parcel of land into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines. The enumerating of lots shall include as a lot that portion of the original tract or tracts remaining after other lots have been subdivided therefrom.

TOWNSHIP — The Township of Willistown, Chester County, Pennsylvania.

- B. For the purposes of this article, any term, which is not defined herein, shall have that meaning attributed to it under the Sewage Facilities Act<sup>23</sup> and the regulations promulgated thereto.

### **§ 105-119. Applicability.**

From the effective date of this article, its provisions shall apply in any portion of the Township identified in the Official Sewage Facilities Plan as a sewage management district. Within such an area or areas, the provisions of this article shall apply to all persons owning any property serviced by an on-lot sewage disposal system and to all persons installing or rehabilitating on-lot sewage disposal systems.

### **§ 105-120. Permit requirements.**

- A. No person shall install, construct or request bid proposals for construction, or alter an individual sewage system or community

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21. Editor's Note: See 35 P.S. § 750.1 et seq.

22. Editor's Note: See 35 P.S. § 750.1 et seq. and 35 P.S. § 691.1 et seq., respectively.

23. Editor's Note: See 35 P.S. § 750.1 et seq.

sewage system, without first obtaining a permit from the Sewage Enforcement Officer, which permit shall indicate that the site and the plans and specifications of such system are in compliance with the provisions of the Clean Streams Law and the Pennsylvania Sewage Facilities Act and the regulations adopted pursuant to those acts.

- B. The procedures for application for and granting of a permit shall be established, revised, promulgated and enforced by the Health Department.
- C. No building or occupancy permit shall be issued for a new building which will contain sewage-generating facilities and for which an individual sewage system or community sewage system is to be installed until a valid sewage permit has been obtained from the Sewage Enforcement Officer.
- D. No building or occupancy permit shall be issued and no work shall begin on any alteration or conversion of any existing structure, if said alteration or conversion will result in the increase or potential increase in sewage flows from the structure to an individual sewage system or community sewage system, until either the structure's property owner receives a permit for alteration or replacement of the existing sewage disposal system or until the structure's property owner and the appropriate officials of the Township receive written notification from the Sewage Enforcement Officer that such a permit will not be required. The Sewage Enforcement Officer shall determine whether the proposed alteration or conversion of the structure will result in increased sewage flows.
- E. Building permit applications shall contain a site plan with all information related to any on-lot sewage disposal system. All system components including absorption areas and replacement areas, if required, should be located on the site plan. An as-built record drawing shall be provided prior to issuance of any occupancy permit. System components shall be drawn to scale and provide two measured distances between each component and a property or building corner.

**§ 105-121. Inspections.**

- A. Any on-lot sewage disposal system may be inspected by the Sewage Enforcement Officer or an authorized agent at any reasonable time as of the effective date of this article.
- B. Such inspection may include a physical tour of the property.
- C. A schedule of routine inspections may be established to assure the proper functioning of the sewage systems in the sewage management district.
- D. The Sewage Enforcement Officer shall inspect systems known to be, or alleged to be, malfunctioning. Should said inspections reveal that the system is indeed malfunctioning; the Sewage Enforcement Officer shall

order action to be taken to correct the malfunction. If total correction cannot be done in accordance with the regulations of the Department, including but not limited to those outlined in Chapter 73 of Title 25 of the Pennsylvania Code, or is not technically or financially feasible in the opinion of the Sewage Enforcement Officer or a representative of the Department, then the property owner shall mitigate the malfunction, although the property owner is not absolved of responsibility for that malfunction.

- E. There may arise geographic areas where numerous on-lot sewage disposal systems are malfunctioning. A resolution of these area-wide problems may necessitate detailed planning and a revision to the portion of the Sewage Facilities Plan pertaining to areas affected by such malfunctions. Immediate corrective action may be compelled whenever a malfunction, as determined by the authorized agent and/or the Department, represents a serious public health or environmental threat.

#### **§ 105-122. Operation.**

Only normal domestic wastes shall be discharged into any on-lot sewage disposal system, including wastes listed in Section 73.11(c) of Title 25. The following shall not be discharged into the system:

- A. Industrial waste.
- B. Automobile oil and other nondomestic oil.
- C. Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline, oils, antifreeze, industrial soaps and detergents and other similar-type solvents.
- D. Clean surface water or groundwater, including water from roof or cellar drains, springs, basement sump pumps and french drains.
- E. Clogging bulky items, including but not limited to sanitary napkins, diapers, paper towels, cigarette filters, cat litter, plastics, egg shells, bones and coffee grounds.

#### **§ 105-123. Maintenance and ongoing obligations.**

- A. Each person owning a building served by an on-lot sewage disposal system which contains a septic tank shall have the septic tank pumped by a Health Department-licensed liquid waste hauler at least once every three years or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of 1/3 of the liquid depth of the tank. Receipts from the pumper/hauler shall be submitted to the Township, or reported to a central electronic database, if applicable, within the prescribed three-year pumping period.

- B. At the time of pumping, the on-lot sewage disposal system shall be inspected to ensure that the absorption area is being protected from physical damage, to ensure that the electrical, mechanical, and chemical components are in good working order and that the proper supply of power is maintained to the system as required.
- C. The required pumping frequency may be increased at the discretion of an authorized agent if the septic tank is undersized compared to the current standard; if solids buildup in the tank is above average; if the hydraulic load on the system increases significantly above design capacity; if the system malfunctions; or for other good cause shown.
- D. If any person can prove (e.g., pumping certificate, invoice) that such person's septic tank had been pumped within three years of the effective date of this article, then that person's initial required pumping shall conform to the general three-year frequency requirement except where an inspection reveals a need for more frequent pumping frequencies.
- E. All septic tanks shall be pumped through the manhole access of each tank or tank chamber.
- F. Upon completion of the pumping of any septic tank, the interior of the tank, if accessible, shall be inspected to determine if the baffles in the septic tank are in good working order. Any person whose septic tank baffles are determined to require repair or replacement shall first contact the Sewage Enforcement Officer for approval of the necessary repair.
- G. Any person owning a building served by an on-lot sewage disposal system, which contains an aerobic treatment tank, shall follow the operation and maintenance recommendations of the equipment manufacturer. A copy of the manufacturer's recommendations and a copy of the service agreement shall be submitted to the Township within six months of the effective date of this article. Thereafter, service receipts shall be submitted to the Township, or to a central electronic database, if applicable, at the intervals specified by the manufacturer's recommendations. In no case may the service or pumping intervals for aerobic treatment tanks exceed those required for septic tanks.
- H. Any person owning a building served by a cesspool or dry well in an area of numerous malfunctions or in an area where a repair is not technically feasible shall have that system pumped according to the schedule prescribed for septic tanks to mitigate potential pollution. As an alternative to this scheduled pumping of the cesspool or dry well, and pending any scheduled replacement of the substandard system as identified in the Official Sewage Facilities Plan, the property owner may apply for a sewage permit from the Sewage Enforcement Officer for a septic tank to be installed preceding the cesspool or dry well. For this interim repair system consisting of a cesspool or dry well preceded by an approved septic tank, only the septic tank must be pumped at the

prescribed interval. The cesspool or dry well may be pumped to aid operating efficiency.

- I. Additional maintenance activity may be required as needed, including but not necessarily limited to cleaning and unclogging of piping, servicing and the repair of mechanical equipment, leveling of distribution boxes, tanks and lines, removal of obstructing roots or trees, the diversion of surface water away from the disposal area, etc.
- J. The property owner shall provide an adequate supply of electric power with the proper phase, frequency and voltage as recommended by the equipment manufacturers of the various components of the on-lot sewage disposal system.
- K. The property owner shall not plant trees or shrubs in any absorption area or to otherwise excavate or damage the absorption area. The property owner shall protect all absorption area(s) from vehicle traffic and protect all absorption area(s) and system components from stormwater runoff from roof gutters and downspouts, driveways, swales and sump pump discharges.
- L. The property owner shall not build any structures, including swimming pools and sprinkler systems, on or within 10 feet of any absorption area or any components of the system.
- M. The property owner shall use water conservation devices when feasible (including low-flow toilets, showerheads, dishwashers and clothes washers) and promptly repair any leaking plumbing fixtures.

**§ 105-124. System rehabilitation.**

- A. No person shall operate or maintain an on-lot sewage disposal system in such a manner that it malfunctions. No sewage systems shall discharge untreated or partially treated sewage to the surface of the ground or into the waters of the commonwealth unless a permit for such discharge has been obtained from the Department.
- B. A written notice of violation shall be issued to any person who is the property owner of any property which is found to be served by a malfunctioning on-lot sewage disposal system, or which is discharging sewage without a permit. The Sewage Enforcement Officer shall be notified of all violations.
- C. Within 30 days of notification by the Township or Health Department that a malfunction has been identified, the property owner shall make application to the Sewage Enforcement Officer for a permit to repair or replace the malfunctioning system. Within 90 days of initial notification by the Township, construction of the permitted repair or replacement shall commence, weather permitting. Within one year of the original notification by the Township, the construction shall be completed unless seasonal or unique conditions mandate a longer period, in which case



the Township, in cooperation with the Sewage Enforcement Officer, shall set an extended completion date.

- D. The Sewage Enforcement Officer shall have the authority to require the repair of any malfunction by the following methods: cleaning, repair or replacement of components of the existing system, adding capacity or otherwise altering or replacing the system's treatment tank, replacing the existing disposal area, replacing a gravity distribution system with a pressurized system, replacing the system with a holding tank, or any other alternative approved by the Sewage Enforcement Officer or the Department appropriate for the specific site.
- E. In lieu of or in combination with the remedies described above, an authorized agent may require the installation of water conservation equipment and the institution of water conservation practices in structures served. Water-using devices and appliances in the structure may be required to be retrofitted with water-saving appurtenances or they may be required to be replaced by water-conserving devices.
- F. In the event that the rehabilitation measures described above are not feasible or effective as determined by the Sewage Enforcement Officer or the Department, the property owner may be required to apply to the Department for a permit to install a single residence treatment and discharge system. Upon receipt of said permit, the property owner shall complete construction of the system within six months, weather permitting.
- G. Should none of the remedies in this section be totally effective in eliminating the malfunction of an existing on-lot sewage disposal system, the property owner is not absolved of responsibility for that malfunction. The Township may require whatever action is necessary to lessen or mitigate the malfunction to the extent possible.

**§ 105-125. Disposal of sewage.**

- A. All sewage originating within the sewage management district shall be disposed of in accordance with the requirements of the Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 et seq.) and all other applicable laws and at sites or facilities approved by the Department. Approved sites or facilities shall include the following: sewage treatment facilities, wastewater treatment plants, composting sites, and approved farmlands.
- B. Pumper/haulers of sewage operating within the sewage management district shall operate in a manner consistent with the provisions of the Pennsylvania Solid Waste Management Act (Act 97 of 1980, 35 P.S. §§ 6018.101 through 6018.1003) and all other applicable laws.

**§ 105-126. Violations and penalties; appeals; suspensions.**

- A. Any person failing to comply with any provisions of this article may be subject to a civil penalty of not less than \$300 and not more than \$2,500 for each violation and, in addition, may be assessed the cost of damages caused by such violation and the cost of correcting such violation. Each day of noncompliance shall constitute a separate offense.
- B. The Township's authorized agent shall have the power and authority to determine issues related to compliance with the provisions of this article and to bring and prosecute in the name of the Township enforcement and penalty proceedings for violations of its provisions.
- C. If it appears that a violation of this article has occurred, the Township's authorized agent has the authority to issue an enforcement notice and pursue enforcement remedies as set forth in the Township's Zoning Ordinance.<sup>24</sup>
- D. The property owner of record of the subject property against which enforcement action has been taken shall have those appeal rights as set forth in the Township's Zoning Ordinance.
- E. Any person or entity which has been convicted on two occasions for violations of this article, or which fails to comply with any of the provisions of this article, or which violates the conditions of its DEP permit relating to the handling, treatment or disposition of septic materials, or of any law or ordinance governing its operation, shall be barred from operating within the Township for a period of not less than six months nor more than two years.
- F. In addition to any other actions to obtain compliance, the Township may assess civil penalties as described in the Sewage Facilities Act.<sup>25</sup>

**§ 105-127. Fee schedule.**

The Board shall, by resolution, adopt a fee schedule for the administration of this article. Said schedule shall be kept on file by the Township Secretary and shall be reviewed and revised as necessary.

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**24. Editor's Note: See Ch. 139, Zoning.**

**25. Editor's Note: See 35 P.S. § 750.1 et seq.**



## ARTICLE XII

**Sugartown Road Sewer District  
[Adopted 9-25-2017 by Ord. No. 7-2017]****§ 105-128. Establishment of district.**

The Board of Supervisors hereby establishes the Sugartown Road Sewer District comprising the territory including School Lane (T-661) and Sugartown Road (SR2022), as more specifically detailed in the plan for the Sugartown Road Sewer Extension Project prepared by NePo Associates, Inc., dated April 6, 2017. The district shall include those residential properties on both sides of Sugartown Road from its intersection with School Lane south to the terminus of the sewer extension as depicted on the above plan.

**§ 105-129. Sewer tapping fees.**

- A. In addition to any other connection, customer facilities or tapping fees fixed and imposed under this chapter, there is hereby fixed and imposed upon the owner of each property situated within the Sugartown Road District a special purpose tapping fee (collection part) of \$4,596.89 per equivalent dwelling unit (EDU) of capacity required for connection.
- B. Capacity allocations for the purpose of determining the tapping fee shall be determined on the basis of a total wastewater flow (including water use and an average infiltration/inflow allowance) of 229.5 gallons per day per EDU. Each private dwelling unit or living unit (including each house, townhouse, condominium or apartment unit) shall have an EDU value of one EDU per unit. The EDU value of any other uses shall be determined by the Township.
- C. Where two or more buildings are connected to the sewer system through a single service connection or where two or more uses are made of the same improved property, the tapping fee determination shall be computed as though such building and each type of use were separate improved properties or uses with separate sewer connections.
- D. Where any building connected to the sewer system shall be converted, enlarged or remodeled or additional buildings shall be constructed on a property and connected directly to the sewer system through an existing lateral or connected directly through a new lateral so as to create or establish more extensive use or additional uses as classified in Subsection B above, an additional tapping fee in accordance with Subsection A above, for each such additional use, shall be payable to the Township by the owner of the property so improved.
- E. The fees imposed hereunder shall be in addition to any rental or other charges fixed, charged or imposed by the Township by reason of the use, or availability for use, of the sewer system by such property.

**§ 105-130. Time and methods of payment.**

The tapping fees established herein and all other connection, customer facilities or tapping fees fixed and imposed under this chapter shall be due and payable at the time of application for connection.

**§ 105-131. Penalties for delinquent tapping fees; liens.**

- A. Sewer tapping fees shall be subject to a penalty of 5% if not paid on or before the 30th day after the billing date. These penalties shall be concurrent with all other remedies, legal and equitable, available to the Township for collection of said fees, including, but not limited to, municipal lien and assumpsit remedies.
- B. All sewer tapping fees, together with all penalties and additional fees thereon, not paid on or before the 30th day after the billing date shall be deemed to be delinquent. It shall be the duty of the Township to proceed to collect such delinquent fees, together with penalties, additional fees and costs accrued thereon, including attorneys' fees, either by action at law or by filing a lien or liens for the same in the office of the Prothonotary of the Court of Common Pleas of Chester County, Pennsylvania, and such liens, together with penalty, costs, and interest accrued thereon, including attorneys' fees, shall be filed and collected in accordance with the law. Interest in the amount of 10% per annum shall begin to accrue on the date of the filing of a lien.

**§ 105-132. Connection to Sugartown Road Sewer System.**

Connection to the Sugartown Road Sewer System shall be required as provided in § 105-2 of this chapter.

**§ 105-133. Connections to comply with requirements.**

No connection shall be made to the Sugartown Road Sewer System except in compliance with this chapter and with the ordinances and resolutions, as well as such rules and regulations which may, from time to time, be enacted, adopted, approved or promulgated by the Township.

**§ 105-134. Right of entry and inspections.**

The Township and its agents and employees shall have the right of access to and may enter any building, property, lands, premises or place as may be necessary to carry out the provisions of this article and the rules and regulations promulgated hereunder. In connection with such inspection or investigation, samples may be taken of any solid, semisolid, liquid or contained gaseous material for analysis.

**§ 105-135. Violations and penalties.**

The provisions of this article are declared to be for the health, safety and welfare of the citizens of the Township, and persons violating any provisions

of this article, upon conviction before any District Justice, shall be fined not more than \$1,000 and costs of prosecution and collection activities or by imprisonment in the county jail for a term not to exceed 30 days, or both such fine and imprisonment. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for such separate offense.

#### **§ 105-136. Remedies.**

In addition to the penalties provided in § 105-135, the Township is authorized to file appropriate actions at law or in equity in the Court of Common Pleas in and for Chester County or before any other body having jurisdiction over the persons and activities herein regulated to abate any violations and remove any septic disposal system owned, operated or maintained in violation of the provisions of this article. Violations of this article are declared to be public nuisances, abatable as such.

#### **§ 105-137. Adoption of rules and regulations.**

The Township reserves the right to and may, from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the connection of properties to the Sugartown Road Sewer System and for the use, maintenance and operation of the Sugartown Road Sewer System, and all such rules and regulations shall be and become a part of this article.

#### **§ 105-138. More stringent provisions to apply.**

For all ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent herewith, the more stringent ordinance or resolution shall apply.

#### **§ 105-139. When effective.**

This article and any rules and regulations hereunder shall become effective immediately and shall be applicable to all properties within the Sugartown Road Sewer District. The Township reserves the right to make such changes from time to time as, in its opinion, may be desirable or beneficial and to amend this article or to change the fees in such manner and at such times as, in its opinion, may be advisable.

#### **§ 105-140. Severability.**

If any sentence, clause, section or part of this article is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, invalidity or illegality shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this article. It is hereby declared that, as the intent of the Board of Supervisors of Willistown Township, this article would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.